

**WSR 17-21-073**  
**PROPOSED RULES**  
**SPOKANE REGIONAL**  
**CLEAN AIR AGENCY**

[Filed October 16, 2017, 1:18 p.m.]

Original Notice.

Proposal is exempt under RCW 70.94.141(1).

Title of Rule and Other Identifying Information: Amendments to Spokane Regional Clean Air Agency (SRCAA) Regulation I: Article IV Registration, amending Exhibit R, 9.e.12, 63., and 64.; Article V New, Modified, and Temporary Stationary Sources and Replacement or Alteration of Emission Control Equipment, amending Section 5.02.P.2.; Article VI Emissions Prohibited, adding Section 6.18; and Article X Fees and Charges, adding Section 10.15.

Hearing Location(s): On December 7, 2017, at 9:30 a.m., at SRCAA, 3104 East Augusta Avenue, Spokane, WA 99207.

Date of Intended Adoption: December 7, 2017.

Submit Written Comments to: Margee Chambers, 3104 East Augusta Avenue, Spokane, WA 99207, email [publiccomment@spokaneleanair.org](mailto:publiccomment@spokaneleanair.org), fax 509-477-6828, by December 7, 2017, close of hearing. Note, please submit comments by December 1, 2017, for comments to be included [included] in the prehearing presentation.

Assistance for Persons with Disabilities: Contact Mary Kataoka, phone 509-477-4727 ext. #100, fax 509-477-6828, email [mkataoka@spokaneleanair.org](mailto:mkataoka@spokaneleanair.org), by December 5, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed amendments to SRCAA Regulation I, is to develop a regulatory program for marijuana producers and processors to minimize air contaminants. Amendments to Article IV, Exhibit R 63. and 64. includes marijuana production and processing in SRCAA's registration program, and 9.e.12 to include marijuana processing equipment if it triggers air permitting requirements. Amendments to Article V, Section 5.02.P.2., exempts marijuana producers and processors from air permitting requirements, unless the operations have equipment that triggers permitting requirements. New Section 6.18 in Article VI includes standards to minimize air contaminants from marijuana producers and processors. New Section 10.15 in Article X develops the registration fee structure for marijuana producers and processors. The anticipated effects include reductions in air contaminant emissions, to ensure that marijuana production and processing operations are in compliance with air quality regulations, to maintain an accurate inventory of air contaminants released into Spokane County's air, and to begin receiving revenue to support program costs.

Reasons Supporting Proposal: The production and processing of marijuana releases volatile organic compounds (VOC) which cause odors. Under Washington state law, VOCs and odors constitute both air contaminants and air pollution (RCW 70.94.030 (1) and (2)) and are subject to regulation. To protect air quality, a person cannot cause or allow the emissions of any air contaminant in sufficient quantities and of such characteristics and duration as are, or are likely to be: (a) Injurious to the health or safety of human, animal, or plant

life; (b) injurious or damaging to property; or (c) which unreasonably interferes with enjoyment of life and property (SRCAA Article VI, Section 6.04(C) and RCW 70.94.030 (2)).

The intent of the proposed amendments to SRCAA Regulation I, is to protect air quality in Spokane County by requiring a source category, marijuana production and processing operations, to meet standards that minimize the release of air contaminants by the industry. SRCAA will verify that operations are in compliance with air quality regulations, maintain an accurate inventory of air contaminants released into Spokane County's air, and begin receiving revenue to support program costs.

Statutory Authority for Adoption: RCW 70.94.141.

Statute Being Implemented: Chapter 70.94 RCW.

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

Name of Proponent: SRCAA, governmental.

Name of Agency Personnel Responsible for Drafting: Margee Chambers, SRCAA, 509-477-4727; Implementation: Executive Director, SRCAA, 509-477-4727; and Enforcement: Compliance Section Manager, Supervisory Engineer, and Executive Director, SRCAA, 509-477-4727.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. SRCAA is a local air pollution control agency. Per RCW 90.74.141, a cost-benefit analysis under RCW 34.05.328 does not apply to local air pollution control agencies.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 70.94.141.

Explanation of exemptions: SRCAA is a local air pollution control agency. Per RCW 70.94.141, a small business economic impact statement does not apply to local air pollution control agencies.

October 16, 2017  
Margee Chambers  
Rule Writer/SIP Planner

**AMENDATORY SECTION**, SRCAA Regulation I, Article IV, Exhibit R, 9.e.12), 63., and 64.

**EXHIBIT R - STATIONARY SOURCE AND STATIONARY SOURCE CATEGORIES SUBJECT TO REGISTRATION**

**NOTE:** Emission rates in this Section are based on uncontrolled PTE emissions, unless otherwise noted.

1. Acid production plants, including all acids listed in Chapter 173-460 WAC.

2. Abrasive blasting operations, except portable blasting operations operating at a construction site, or at a site for less than 30 days in any running 12-month period and operations that are inside a building and any associated air pollution control equipment that exhausts inside of the building.

3. Agricultural chemicals, manufacturing, mixing, packaging and/or other related air contaminant emitting operations (fertilizer concentrates, pesticides, etc.).

4. Agricultural drying and dehydrating operations.

5. Alumina processing operations.
6. Ammonium sulfate manufacturing plants.
7. Any stationary source category that qualifies as construction, reconstruction or modification of an affected facility, within the meaning of 40 CFR Part 60 - New Source Performance Standards (NSPS), effective the date listed in Article II, Section 2.13 of this Regulation; except Part AAA, (New Residential Wood Heaters). Ecology is responsible for regulation of projects subject to BB (Kraft Pulp Mills) and Subpart S (Primary Aluminum Reduction Plants);
  8. a. Any stationary source that qualifies as a new or modified stationary source within the meaning of 40 CFR 61.02 - National Emission Standards for Hazardous Air Pollutants (NESHAP), (effective the date listed in Article II, Section 2.13 of this Regulation); except for asbestos on roadways, asbestos demolition or renovation activities subject to 40 CFR 61.145 and;
    - b. Any stationary source that qualifies as a new stationary source within the meaning of 40 CFR 63.2 - National Emission Standards for Hazardous Air Pollutants for Source Categories (commonly referred to as MACT Standards), effective the date listed in Article II, Section 2.13 of this Regulation;
    - c. Any stationary source that qualifies as a new major stationary source, or a major modification;
    - d. Any modification to a stationary source that requires an increase either in a facility-wide emission limit or in a unit specific emission limit.
  9. A stationary source listed in 9.e., below that:
    - a. emits any single criteria pollutant, or its precursors, as defined in 40 CFR § 51.852, exceeding emission rates of 0.5 tons per year, or in the case of lead, emissions rates greater than or equal to .005 tons per year, or
    - b. emits toxic air pollutants, as defined in Article I, Section 1.04 of this Regulation, with emission rates exceeding the small quantity emission rates established in WAC 173-460-080, or
    - c. emits combined air contaminants (criteria, VOCs, or TAPs) in excess of 1.0 ton per year, or
    - d. emits combined toxic air pollutant and volatile organic compound emissions greater than 0.5 tons per year.
    - e. The above criteria in 9.a. through 9.d. applies to the following stationary source categories:
      - 1) Bakeries,
      - 2) Bed lining or undercoating production or application operations,
      - 3) Degreasers/solvent cleaners, not subject to 40 CFR Part 63, Subpart T (Halogenated Solvent Cleaners); including, but not limited to, vapor, cold, open top and conveyerized cleaner,
      - 4) Evaporators,
      - 5) Graphic art systems including, but not limited to, lithographic and screen printing operations,
      - 6) Organic vapor collection systems within commercial or industrial facilities,
      - 7) Soil and groundwater remediation operations,
      - 8) Sterilizing operations, including, but not limited to EtO and hydrogen peroxide, and other sterilizing operations,
      - 9) Utilities, combination electric and gas, and other utility services (SIC 493/NAICS 221111 through 221210, not in order given),
      - 10) Wood furniture stripping and treatment operations (commercial only), and
      - 11) Any stationary source or stationary source category not otherwise identified in this exhibit.
- 12) Marijuana processors.
  10. Any stationary source with significant emissions as defined in Article I, Section 1.04 of this Regulation.
  11. Any stationary source required to obtain an approved *Notice of Construction and Application for Approval* under Article V of this Regulation.
  12. Any stationary source (including stationary sources that generate fugitive emissions) for which the Control Officer determines that registration is necessary in order to reduce the potential impact from the stationary source's air emissions on: the health, safety, and/or welfare of the public, or unreasonable interference with any other property owner's use and enjoyment of his property, or damage to other property owner's property or business.
  13. Any stationary source where the owner or operator has elected to avoid one or more requirements of the operating permit program established in Chapter 173-401 WAC, by limiting its potential-to-emit (synthetic minor) through an order issued by the Authority.
  14. Any stationary source that is required to report periodically to demonstrate nonapplicability to requirements under Sections 111 or 112 of the Federal Clean Air Act.
  15. Asphalt and asphalt products production operations (asphalt roofing and application equipment excluded).
  16. Brick and clay products manufacturing operations (tiles, ceramics, etc). Noncommercial operations are exempt.
  17. Bulk gasoline and aviation gas terminals, bulk gasoline and aviation gas plants, and gasoline and aviation gas loading terminals.
  18. Cattle feedlots with operational facilities, which have an inventory of one thousand or more cattle in operation between June 1 and October 1, where vegetation forage growth is not sustained over the majority of the lot during the normal growing season.
  19. Chemical manufacturing operations.
  20. Coffee roasting operations.
  21. Composting operations, including commercial, industrial and municipal, except noncommercial agricultural and noncommercial residential composting activities.
  22. Concrete production operations and ready mix plants.
  23. Dry cleaning operations, using solvents that emit toxic air pollutants or volatile organic compounds.
  24. Materials handling and transfer facilities that generate fine particulate and that exhaust more than 1,000 acfm to the ambient air, which may include pneumatic conveying, cyclones, baghouses, and industrial housekeeping vacuuming systems that exhaust to the atmosphere.
  25. Flexible polyurethane foam, polyester resin, and styrene production operations.
  26. Flexible vinyl and urethane coating operations.

27. Fuel burning equipment, including but not limited to boilers, building and process heating units (external combustion) with per unit heat inputs greater than or equal to:

- a. 500,000 Btu/hr using coal or other solid fuels with ≤ 0.5% sulfur;
- b. 500,000 Btu/hr using used/waste oil, per the requirements of RCW 70.94.610;
- c. 1,000,000 Btu/hr using kerosene, #1, #2 fuel oil, or other liquid fuel, except used/waste oil;
- d. 4,000,000 Btu/hr using gaseous fuels, such as, natural gas, propane, methane, LPG, or butane, including but not limited to, boilers, dryers, heat treat ovens and deep fat fryers; and
- e. 400,000 Btu/hr, wood, wood waste, or paper.

28. Gasoline dispensing facilities, subject to Chapter 173-491 WAC, and aviation gas dispensing facilities with total tank capacities greater than 10,000 gallons.

29. Grain handling; seed, pea and lentil processing facilities. Registration shall be in accordance with Section 4.03.B.

30. Hay cubing operations and pelletizers, established at a dedicated collection and processing site.

31. Incinerators; as defined in Section 1.04 of this Regulation, including human and pet crematories and other solid, liquid, and gaseous waste incinerators.

32. Insulation manufacturing operations.

33. Metal casting facilities and foundries, ferrous.

34. Metal casting facilities and foundries, nonferrous.

35. Metal plating and anodizing operations.

36. Metallic and nonmetallic mineral processing, including, but not limited to, rock crushing, sand and gravel mixing operations.

37. Metallurgical processing operations.

38. Mills; lumber, plywood, shake, shingle, woodchip, veneer operations, dry kilns, pulpwood insulating board, grass/stubble pressboard, pelletizing, or any combination thereof.

39. Mills; grain, seed, feed and flour production and related operations

40. Mills; wood products manufacturing operations (including, but not limited to, cabinet works, casket works, furniture and wood by-products).

41. Mineralogical processing operations.

42. Natural gas transmission and distribution (SIC 4923/NAICS 486210 and 221210, respectively).

43. Ovens/furnaces, kilns and curing, burnout, (including, but not limited to, ovens/furnaces that heat clean automotive parts, paint hooks, electric motors, etc.) except those that would otherwise be exempt under item 27.

44. Paper manufacturing operations, except Kraft and sulfite pulp mills.

45. Petroleum refineries.

46. Pharmaceuticals production operations.

47. Plastics and fiberglass fabrication, including gelcoat, polyester resin, or vinyl ester coating operations using more than 55 gallons per year of all materials containing volatile organic compounds or toxic air pollutants.

48. Refuse systems (SIC 4953/NAICS 562213, 562212, 562211, & 562219, respectively), including municipal waste combustors; landfills with gas collection systems and/or flares; hazardous waste treatment, storage, and disposal facil-

ities; and wastewater treatment plants other than private and publicly owned treatment works (POTWs).

49. Rendering operations.

50. Sewerage systems, private and publicly owned treatment works (POTWs) with a rated capacity of more than 1 million gallons per day (SIC 4952/NAICS 221320).

51. Semiconductor manufacturing operations.

52. Internal combustion engines used for standby, back-up operations only, and rated at or above five hundred brake horsepower.

53. Stationary internal combustion engines, other than engines used for standby or back-up operations, that are rated at one hundred brake horsepower or more, that are integral to powering a stationary source or stationary source category, including but not limited to, rock crushing, stump and wood-waste grinding, and hay cubing operations.

54. Stump and woodwaste grinding established at a dedicated collection and processing site.

55. Storage tanks for organic liquids, within commercial or industrial facilities, with capacities greater than 20,000 gallons.

56. Surface coating, adhesive, and ink manufacturing operations.

57. Surface coating operations, including; automotive, metal, cans, pressure sensitive tape, labels, coils, wood, plastic, rubber, glass, paper, and other substrates.

58. Synthetic fiber production operations.

59. Synthetic organic chemical manufacturing operations.

60. Tire recapping operations.

61. Wholesale meat/fish/poultry slaughter and packing plants.

62. Startup of a new air contaminant source at a site where:

- a. a previous air contaminant source was located; and
- b. the nature of the business or pollutants of the new air contaminant source is different from the previous air contaminant source.

63. Marijuana producers.

64. Marijuana processors with direct processing of the marijuana plant and plant material (dry, cure, extract, compound, convert, package, and label usable marijuana and marijuana concentrates).

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

**AMENDATORY SECTION**, SRCAA Regulation I, Article V, Section 5.02.P.2.

**SECTION 5.02 NOTICE OF CONSTRUCTION (NOC) - WHEN REQUIRED**

A. A Notice of Construction application must be filed by the owner or operator and an order of approval issued by the permitting agency prior to the establishment of any new source or source categories. For purposes of this section "establishment" shall mean to "begin actual construction", as that term is defined in Article I, Section 1.04, and "new source" shall include any modification to an existing stationary source or source category, as defined in Article I, Section

1.04. Stationary sources or source categories subject to this Section include, but are not limited to, the following:

1. Stationary sources or source categories listed in Exhibit "R" of Article IV of this Regulation, except for those that are below emission thresholds listed therein or are exempted as provided in Section 5.02.P. of this Regulation; or

2. Any modification to an existing stationary source or source category which results in an increase in actual emissions, except for stationary sources or source categories with actual emission increases below emission thresholds listed in Exhibit "R" of Article IV of this Regulation; or

3. Regardless of any other subsection of this section, a notice of construction application must be filed and an order of approval issued by the Authority prior to establishment of any of the stationary sources listed in Items 7 and 8 of Article IV, Exhibit "R"; or

4. a. Establishment of a new major stationary source or source category;

b. Major modifications to an existing stationary source or source category;

c. Establishment of a new major temporary stationary source or source category;

d. Major modification of a temporary stationary source or source category that is located at an existing stationary source or source category; or

5. Any modifications that require an increase either in a facility-wide emission limitation or a unit specific emission limit; or

6. Replacement of existing emissions unit(s) with new or used emissions unit(s); or

7. Restart of a stationary source or source category after "closure or shutdown", as defined in Article I, Section 1.04;

8. Relocation of an existing stationary source or source category, except as provided for in Section 5.02.H and as specified in Section 5.02.I; or

9. Location for the first time of a portable, (or temporary, if applicable) stationary source or source category operates in Spokane County.

10. Determination by the Authority that a Notice of Construction application is necessary in order to reduce the potential impact from any stationary source or source category's air emissions on: the health, safety, and/or welfare of the public, or unreasonable interference with any other property owner's use and enjoyment of his property, or damage to other property owner's property or business.

B. Stationary sources or source categories not subject to Section 5.02.A include those stationary sources or source categories listed in Sections 5.02.H, 5.02.I, 5.02.M and 5.02.N.1 of this Article.

C. The owner, operator, or their agent shall use Authority prepared and furnished application and information request forms when applying for a *Notice of Construction and Application for Approval*.

D. New source review of a modification shall be limited to the emissions unit or units proposed to be added to an existing or modified stationary source or source category and the air contaminants whose actual emissions would increase as a result of the modification. NOTE: Modification, as defined in Article I, Section 1.04 of this Regulation, does not

have the same meaning as a Major Modification, defined in WAC 173-400-112 and WAC 173-400-113.

E. New stationary sources' or source categories' emission calculations shall be based on a stationary source or source categories' "potential-to-emit", as defined in Article I, Section 1.04 of this Regulation. Modified stationary source or source category emission calculations shall be based on the increase in "actual emissions", as defined in Article I Section 1.04 of this Regulation.

F. The Authority implements and enforces the requirements of WAC 173-400-114 for replacement or substantial alteration of emission control technology at an existing stationary source.

G. A separate *Notice of Construction and Application for Approval* shall be filed for each new or modified stationary source, source category, or emissions control system, unless identical units are to be constructed, installed, or established and operated in an identical manner at the same facility, except that the owner or operator has the option to file one application for an entire facility, with a detailed inventory of stationary sources or source categories and their emissions related to that facility.

H. A *Notice of Construction and Application for Approval* is not required for construction, installation, establishment, modification, or alteration of stationary sources or source categories, comprised of equipment utilized exclusively in connection with any structure, which is designed for, and used exclusively as, a residence with not more than four dwelling units.

I. A *Notice of Construction and Application for Approval* is required for portable, (or temporary, if applicable) stationary sources or source categories, operating in accordance with Section 5.08 - the first time that it operates in Spokane County. Thereafter, each time that the portable or temporary stationary source or source category relocates and operates at a new site in Spokane County, it must apply for and obtain an approved *Notice of Intent to Install and Operate a Temporary Stationary Source* pursuant to Section 5.08.

J. A person seeking approval to construct or modify an air operating permit source, may elect to integrate review of the air operating permit application or amendment, required under RCW 70.94.161, and the *Notice of Construction and Application for Approval* required by this Article. A *Notice of Construction and Application for Approval* designated for integrated review shall be processed in accordance with the provisions in Chapter 173-401 WAC.

K. A *Notice of Construction and Application for Approval* for a major modification in a nonattainment area, or for a major stationary source in a nonattainment area, is subject to the public notice requirements of Section 5.05.

L. An applicant filing a *Notice of Construction and Application for Approval* for a project described in WAC 173-400-117(2) (Special protection requirements for Class I areas) must send a copy of the application to the responsible federal land manager.

M. De minimis emission levels (based on Potential-To-Emit), below which a new source or stationary source category, is not subject to a *Notice of Construction and Application for Approval*, are listed in Exhibit "R" of Article IV of this Regulation. De minimis emission levels (based on actual

emissions increase), below which a modification of an existing stationary source or source category, is not subject to a *Notice of Construction and Application for Approval*, are listed in Exhibit "R" of Article IV of this Regulation. The owner or operator shall maintain sufficient documentation, as required by the Authority, to verify that the new or existing stationary source or source category is entitled to continued exemption under this section.

N. Transfer of Ownership

1. If an existing stationary source or stationary source category, with a valid Order of Approval, is transferred to new ownership per Article IV, Section 4.02.D and the stationary source category or stationary source category is unchanged by the transfer, then the existing Order of Approval is transferable to the new ownership, as written.

2. An existing Order of Approval is not transferable to a stationary source or stationary source category that is installed or established at a site where a stationary source category or stationary source category was previously located and the business nature of the new source is different from the previous stationary source.

3. In either of the above cases, if the stationary source or stationary source category did not have a valid Order of Approval under the prior ownership, then the owner or operator of the new source or stationary source category shall apply for, and receive approval of, a Notice of Construction prior to commencing operation.

O. Except where Ecology is the permitting agency pursuant to WAC 173-400-141 (PSD) or Ecology's Industrial Sector has retained specific air pollution stationary sources or source categories exclusively under their jurisdiction, pursuant to RCW 70.94.422, the Authority permits, implements and enforces WAC 173-400-112 (Requirements for new sources in nonattainment areas) and WAC 173-400-113 (Requirements for new sources in attainment areas), in Spokane County.

P. The following new sources are exempt from the requirement to file a *Notice of Construction and Application for Approval*, provided that the source has registered with the Authority (as required per Regulation I, Article IV) prior to placing the source in operation:

1. Batch coffee roasters with a maximum rated capacity of 10 lbs. per batch or less, unless air pollution controls are required because of documented nuisance odors or emissions.

2. Marijuana producers and marijuana processors.

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

NEW SECTION, SRCAA Regulation I, Article VI, Section 6.18

**SECTION 6.18 STANDARDS FOR MARIJUANA PRODUCTION AND MARIJUANA PROCESSING**

(A) Purpose. The production and processing of marijuana emits air contaminants. Section 6.18 establishes standards to minimize air contaminants from stationary sources that produce or process marijuana.

(B) Applicability. This Section applies to all persons or entities having an active Washington State Liquor and Can-

nabis Board (LCB) license for marijuana production operations and marijuana processing operations in Spokane County, unless exempted under Section 6.18 (H)(1).

(C) Definitions. All definitions in Regulation I, Article I, Section 1.04 apply to Section 6.18, unless otherwise defined in this Section. Unless a different meaning is clearly required by context, words and phrases used in this Section will have the following meaning:

(1) Control of environmental conditions means modifying surroundings to facilitate plant growth, may include, but is not limited to; lighting, temperature, relative humidity, and carbon dioxide levels. For implementation of Section 6.18, watering plants and short term covering of plants for a portion of each day as needed for frost protection are not considered control of environmental conditions.

(2) Indoor marijuana production and indoor marijuana processing means production or processing occurring in a fully enclosed building that is permanently affixed to the ground, has permanent rigid walls, a roof that is permanent and non-retractable, and doors. The building is equipped to maintain control of environmental conditions. Hoop houses, temporary structures, or other similar structures are not considered indoor.

(3) Joint producers and processors means multiple marijuana production and processing operations on the same parcel.

(4) Marijuana means all parts of the cannabis plant, as defined in Chapter 69.50 RCW as it now exists or as amended.

(5) Marijuana concentrates means substances created by extracting oils from marijuana plant material.

(6) Other marijuana production means production that is not indoor or outdoor as defined in this Section. Examples of other marijuana production include production in hoop houses, temporary structures, or other similar structures.

(7) Outdoor marijuana production means production occurring on an expanse of open or cleared ground (no structure of any kind), during Spokane County's customary outdoor growing season, without control of environmental conditions.

(8) Processor (process, processing) means LCB licensed operations that dry, cure, extract, compound, convert, package, and label usable marijuana, marijuana concentrates, and marijuana-infused products.

(9) Producer (production, producing) means LCB licensed operations that propagate, grow, harvest, and trim marijuana to be processed.

(10) Responsible person means any person who owns or controls property on which Section 6.18 is applicable.

(D) Requirements. All persons or entities subject to the requirements of Section 6.18 must comply with the following:

(1) Production must occur indoors or outdoors, as defined in 6.18(C), unless the operation has an Agency granted production exemption under Section 6.18 (H)(2).

(2) All processing must occur indoors as defined in Section 6.18(C).

(3) Indoor production and processing requirements:

(a) Control equipment and facility design:

1. Operations must be equipped with air pollution control equipment that is properly sized for the air flow to be controlled. Air pollution control equipment may include, but is not limited to, carbon adsorption within the facility, carbon filtration on facility exhaust points, vertical exhaust stacks. Air pollution control equipment is not required for windows, doors, or other openings, provided these openings are kept closed except as needed for active ingress or egress; or

2. Operations must be designed to prevent exhaust from production and processing operations directly to the outside; or

3. Both.

(b) Operations must meet Regulation I, Article VI, Section 6.04.

(4) Outdoor production requirements:

(a) Operations must meet Regulation I, Article VI, Section 6.04.

(5) Other marijuana production requirements:

(a) Other marijuana production, in-operation prior to Section 6.18 effective date (XX/XX/XXXX), must have an Agency granted production exemption under Section 6.18 (H)(2), and comply with the conditions of the exemption.

(b) Other marijuana production operations with an Agency granted production exemption must meet the odor standard in Article VI, Section 6.04 (D)(1), at the property line and beyond. This requirement applies to all marijuana production and processing operations at the facility.

(6) Operation and maintenance plan. Air pollution control equipment must be operated and maintained in accordance with the manufacturer's recommendations. An operation and maintenance plan for the air pollution control equipment must be available on-site. The plan must include written operating instructions and maintenance schedules. Records shall be kept of the dates and description of all maintenance and repair performed on the air pollution control equipment. Records must be kept on-site for the previous 24 months and provided to the Agency upon request.

(7) Notification of change in operations. Written notification must be submitted to the Agency no later than thirty (30) days after operational changes occur. Operational changes include: change in registration information provided under Article IV, new installation of air pollution control equipment, modification or replacement of existing air pollution control equipment, or change in facility design to control air contaminant emissions.

(8) Harvest schedule. Written notification from outdoor producers and other marijuana producers must be submitted to the Agency no later than thirty (30) days prior to the start of harvest. The written notification must include harvest dates and locations.

(E) Compliance with Other Laws and Regulations. Compliance with Regulation I, Article VI, Section 6.18, does not constitute an exemption from compliance with other Sections of Regulation I, or other laws or regulations.

(F) Joint Producers, Processors and Responsible Persons. If there is a violation of Regulation I, Article VI, Section 6.04, a Notice of Violation may be issued to all joint producers and processors on the parcel and all responsible persons.

(G) Compliance Schedule. All persons or entities subject to the requirements of Article VI, Section 6.18 must be in compliance with Section 6.18 requirements as follows:

(1) Existing producers and processors in-operation before the Section 6.18 effective date (XX/XX/XXXX), have twelve (12) months from the effective date to achieve compliance with Section 6.18 requirements. Requirements of Article VI, Section 6.04 remain applicable during this twelve (12) month period.

(2) New producers and processors or expansion at existing producers and processors, that begin or expand operations after XX/XX/XXXX, must be in full compliance with Section 6.18 requirements before production and/or processing begins.

(H) Exemptions.

(1) Processing exemption. Processors that purchase only marijuana concentrates (e.g. marijuana oil) to manufacture marijuana-infused products may apply for an exemption to the standards given in Section 6.18. Production and direct processing of marijuana plants and plant material is not allowed at a processor with an Agency granted processing exemption.

(a) A complete processing exemption application must be submitted using Agency forms.

(b) The Agency will review the processing exemption application once all information the Agency deems necessary for a determination is received. The Agency may request additional information necessary to complete the review. Upon completion of the review, the Agency will make a determination to grant or deny the processing exemption in writing. If denied, compliance with Section 6.18 is required.

(c) Once a processing exemption is granted, the processor must comply with the exemption conditions.

(d) Failure to comply with the processor exemption conditions may result in revocation of the processor exemption, issuance of a Notice of Violation, or both. If the processor exemption is revoked, compliance with Section 6.18 is required.

(2) Production exemption. Other marijuana producers, in-operation prior to the Section 6.18 effective date (XX/XX/XXXX), may apply for an exemption from Section 6.18 (D)(1). The exemption is not available to producers that begin or expand operations after XX/XX/XXXX.

(a) A production exemption application must be submitted within one hundred-eighty (180) days of the Section 6.18 effective date, using Agency forms. Each application must include the application fee, as listed in the Fee Schedule.

(b) Within thirty (30) days of receipt of a production exemption application the Agency will perform a completeness review. The Agency may request additional information necessary to complete the application. Once the application is determined to be complete, the Agency has sixty (60) days to grant or deny the production exemption in writing, unless the applicant is notified that additional time is needed. If a production exemption is denied, compliance with Section 6.18 (D)(1) is required.

(c) Once a production exemption is granted, the producer must comply with the production exemption conditions.

(d) Failure to comply with the production exemption conditions may result in revocation of the exemption, issu-

ance of a Notice of Violation, or both. If the production exemption is revoked, compliance with Section 6.18 (D)(1) is required.

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

NEW SECTION, SRCAA Regulation I, Article X, Section 10.15

**SECTION 10.15 MARIJUANA PRODUCTION AND MARIJUANA PROCESSING REGISTRATION AND APPLICATION FEES**

(A) Initial Registration Fee. Each source required by Article IV, Exhibit R to be registered is required to pay an initial registration fee for the first calendar year or portion of calendar year that the source is part of the Agency registration program. The owner or operator will be responsible for payment of the initial registration fee. After the first year, the owner or operator will pay an annual registration fee under Section 10.15(B).

(1) The initial registration fee is determined by each unique LCB number, license type, and tier level. A separate initial registration fee is required for each unique LCB license number regardless of location. The initial registration fee will be determined by the fee table below:

<u>Registration Fee Categories</u>	<u>LCB Producer Tier Size</u>		
	<u>LCB Tier 1</u>	<u>LCB Tier 2</u>	<u>LCB Tier 3</u>
<u>Producer with processor license</u>	<u>Per the Fee Schedule</u>	<u>Per the Fee Schedule</u>	<u>Per the Fee Schedule</u>
<u>Processor only</u>	<u>Per the Fee Schedule</u>		
<u>Producer only</u>	<u>Per the Fee Schedule</u>		

LCB = WA State Liquor and Cannabis Board

(B) Annual Registration Fee. Each source required by Article IV, Exhibit R to be registered is required to pay an annual registration fee for each calendar year or portion of each calendar year during which it operates. The owner or operator will be responsible for payment of the annual registration fee. Fees received as part of the marijuana registration program will not exceed the actual costs of program administration.

(1) The annual registration fee is required for each LCB licensed producer and LCB licensed processor. The fee is determined by each unique LCB number, license type, and tier level. A separate registration fee is required for each unique LCB license number regardless of location. The annual fee will be determined by the fee table below:

<u>Registration Fee Categories</u>	<u>LCB Producer Tier Size</u>		
	<u>LCB Tier 1</u>	<u>LCB Tier 2</u>	<u>LCB Tier 3</u>
<u>Producer indoor only</u>	<u>Per the Fee Schedule</u>	<u>Per the Fee Schedule</u>	<u>Per the Fee Schedule</u>

<u>Registration Fee Categories</u>	<u>LCB Producer Tier Size</u>		
	<u>LCB Tier 1</u>	<u>LCB Tier 2</u>	<u>LCB Tier 3</u>
<u>Producer outdoor only</u>	<u>Per the Fee Schedule</u>	<u>Per the Fee Schedule</u>	<u>Per the Fee Schedule</u>
<u>Producer indoor and outdoor</u>	<u>Per the Fee Schedule</u>	<u>Per the Fee Schedule</u>	<u>Per the Fee Schedule</u>
<u>Producer w/ Agency granted production exemption</u>	<u>Per the Fee Schedule</u>	<u>Per the Fee Schedule</u>	<u>Per the Fee Schedule</u>
<u>Processor with producer license</u>	<u>Per the Fee Schedule</u>		
<u>Processor only</u>	<u>Per the Fee Schedule</u>		

LCB = WA State Liquor and Cannabis Board

(2) Calculating Marijuana Annual Registration Fee without Required Registration Information. When registration information required in Article IV, Section 4.02 is not provided, the annual registration fee will be based on fees listed in Section 10.15 (B)(1), plus an additional fee equal to two (2) times the amount of original fee assessed. This method will be used:

(a) When registration information is not received within ninety (90) days of request, or

(b) Prior to the registration fee invoice date, whichever is later.

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

**WSR 17-22-008**  
**PROPOSED RULES**  
**SPOKANE REGIONAL**  
**CLEAN AIR AGENCY**  
 [Filed October 19, 2017, 9:04 a.m.]

Original Notice.

Proposal is exempt under RCW 70.94.141(1).

Title of Rule and Other Identifying Information: Amend Spokane Regional Clean Air Agency (SRCAA) Regulation I, Article II: General Provisions, adding new Section 2.15 Intimidation.

Hearing Location(s): On December 7, 2017, at 9:30 a.m., at SRCAA, 3104 East Augusta Avenue, Spokane, WA 99207.

Date of Intended Adoption: December 7, 2017.

Submit Written Comments to: Margee Chambers, 3104 East Augusta Avenue, Spokane, WA 99207, email publiccomment@spokanecleanair.org, fax 509-477-6828, by December 7, 2017, close of hearing.

Assistance for Persons with Disabilities: Contact Mary Kataoka, phone 509-477-4727 ext. #100, fax 509-477-6828, email mkataoka@spokaneleanair.org, by December 5, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Proposed amendments to Article II include the addition of a new section, Section 2.15 Intimidation. The amendments are to better protect the safety of SRCAA staff by developing a local regulation that allows SRCAA to issue a notice of violation if SRCAA staff are directly or indirectly, assaulted, intimidated, threatened, coerced, harassed, or unlawfully imprisoned. The notice of violation may be issued regardless of a criminal charge or conviction related to the same conduct. The notice of violation may be followed with a civil penalty.

Reasons Supporting Proposal: The intent of the regulation is to allow SRCAA to cite a local regulation in the case of assault, intimidation, threats, coercion, harassment, or unlawful imprisonment of SRCAA staff.

Statutory Authority for Adoption: RCW 70.94.141.

Statute Being Implemented: Chapters 70.94, 9A.04, 9A.36, 9A.40, 9A.46, and 9A.76 RCW.

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

Name of Proponent: SRCAA, governmental.

Name of Agency Personnel Responsible for Drafting: Margee Chambers, SRCAA, 509-477-4727; Implementation: Executive Director, SRCAA, 509-477-4727; and Enforcement: Compliance Section Manager, Supervisory Engineer, and Executive Director, SRCAA, 509-477-4727.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. SRCAA is a local air pollution control agency. Per RCW 90.74.141, a cost-benefit analysis under RCW 34.05.328 does not apply to local air pollution control agencies.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 70.94.141.

Explanation of exemptions: SRCAA is a local air pollution control agency. Per RCW 70.94.141, a small business economic impact statement does not apply to local air pollution control agencies.

October 19, 2017  
Margee Chambers  
Rule Writer/SIP Planner

## **NEW SECTION**

### **SRCAA Regulation I, Article II**

#### **SECTION 2.15 INTIMIDATION**

A. No person shall, directly or indirectly, assault, intimidate, threaten, harass, coerce or unlawfully imprison the Control Officer or the Control Officer's authorized representative. The following definitions apply to this Section:

1. "Assault" includes, but is not limited to, actions constituting assault under RCW 9A.36 et seq.

2. "Intimidate" includes, but is not limited to, actions that discourage, restrain or deter action by inducing fear.

3. "Threaten" includes, but is not limited to, actions constituting threats under RCW 9A.76.180(3) and 9A.04.110 (28).

4. "Harassment" includes, but is not limited to, actions constituting harassment under RCW 9A.46.020(1).

5. "Coercion" includes, but is not limited to, actions constituting coercion under RCW 9A.36.070(1).

6. "Unlawful imprisonment" includes, but is not limited to, restricting a person's movements without consent and without legal authority in manner which interferes substantially with his or her liberty as described in RCW 9A.40.010 (6).

B. For any person found to have violated Section 2.15.A., the Agency may issue a separate Notice of Violation to the full extent authorized by Section 2.02.G and Section 2.11 of this Regulation.

C. A Notice of Violation under this Section may be issued regardless of a criminal charge or conviction related to the same conduct.

D. The civil penalty for a violation of this Section shall be \$5,000.00. Requests for mitigation of a Notice of Violation issued under this Section shall be referred to and decided by the Board of Directors.

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

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

## **WSR 17-22-009**

### **PROPOSED RULES**

#### **HEALTH CARE AUTHORITY**

[Filed October 19, 2017, 9:06 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-16-036.

Title of Rule and Other Identifying Information: Amending WAC 182-557-0100 Health home program—Definitions, 182-557-0200 Health home program—Eligibility, and 182-557-0225 Health home services—Methodology for calculating a person's risk score.

Hearing Location(s): On December 5, 2017, at 10:00 a.m., at the Health Care Authority (HCA), Cherry Street Plaza, Pear Room 107, 626 8th Avenue, Olympia, WA 98504. Metered public parking is available street side around building. A map is available at [www.hca.wa.gov/documents/directions\\_to\\_csp.pdf](http://www.hca.wa.gov/documents/directions_to_csp.pdf) or directions can be obtained by calling 360-725-1000.

Date of Intended Adoption: Not sooner than December 6, 2017.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email [arc@hca.wa.gov](mailto:arc@hca.wa.gov), fax 360-586-9727, by December 5, 2017, 5:00 p.m.



Assistance for Persons with Disabilities: Contact Amber Loughheed, phone 360-725-1349, fax 360-586-9727, TTY 800-848-5429 or 711, email [amber.loughheed@hca.wa.gov](mailto:amber.loughheed@hca.wa.gov), by December 1, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency is revising these sections to fix outdated hyperlinks and to define the criteria by which a person is ineligible to receive health home services.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Vance Taylor, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1344; Implementation and Enforcement: Jason Bergman, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1318.

A school district fiscal impact statement is not required under RCW 28A.305.135.

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

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: This rule does not affect small businesses. The businesses affected by these rule changes are home health lead agencies which are managed care organizations. The managed care organizations do not meet the definition of a small business.

October 19, 2017  
Wendy Barcus  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-17-065, filed 8/14/15, effective 9/14/15)

**WAC 182-557-0100 Health home program—Definitions.** The following terms and definitions and those found in chapter 182-500 WAC apply to this chapter:

**Action** - For the purposes of this chapter, means one or more of the following:

- (a) The denial of eligibility for health home services.
- (b) The denial or limited authorization by the qualified health home of a requested health home service, including a type or level of health home service.
- (c) The reduction, suspension, or termination by the qualified health home of a previously authorized health home service.
- (d) The failure of a qualified health home to provide authorized health home services or provide health home services as quickly as the participant's condition requires.

**Agency** - See WAC 182-500-0010.

**Chronic condition** - Means mental health conditions, substance use disorders, asthma, diabetes, heart disease, cancer, cerebrovascular disease, coronary artery disease, dementia or Alzheimer's disease, intellectual disability, HIV/AIDS, renal failure, chronic respiratory conditions, neurological disease, gastrointestinal, hematological, and musculoskeletal conditions.

**Client** - For the purposes of this chapter, means a person who is eligible to receive health home services under this chapter.

**Clinical eligibility tool** - Means an electronic spreadsheet that determines a client's risk score using the client's age, gender, diagnoses, and medications.

**Coverage area** - Means a geographical area composed of one or more counties within Washington state. The map of the coverage areas and the list of the qualified health homes is ((available on the agency's web site at: [http://www.hca.wa.gov/medicaid/health\\_homes/Pages/index.aspx](http://www.hca.wa.gov/medicaid/health_homes/Pages/index.aspx))) located at <https://www.hca.wa.gov/billers-providers/programs-and-services/health-homes>.

**Fee-for-service (FFS)** - See WAC 182-500-0035.

**Full dual eligible** - For the purpose of this chapter, means a fee-for-service client who receives qualified medicare beneficiary coverage or specified low-income medicare beneficiary coverage and categorically needy health care coverage.

**Grievance** - Means an expression of a participant's dissatisfaction about any matter other than an action. Possible subjects for grievances include the quality of health home services provided when an employee of a qualified health home provider is rude to the participant or shares confidential information about the participant without their permission.

**Health action plan** - Means a plan that lists the participant's goals to improve and self-manage their health conditions and steps needed to reach those goals.

**Health home care coordinator** - Means staff employed by or subcontracted by the qualified health home to provide one or more of the six defined health home care coordination benefits listed in WAC 182-557-0050.

**Health home services** - Means services described in WAC 182-557-0050 (2)(a) through (f).

**Medicaid** - See WAC 182-500-0070.

**Participant** - Means a client who has agreed to receive health home services under the requirements of this chapter.

**Qualified health home** - Means an organization that contracts with the agency to provide health home services to participants in one or more coverage areas and meets the requirements in WAC 182-557-0050(4).

**Risk score** - Means a measure of the expected costs of the health care a client is likely to incur in the next twelve months that the agency calculates using an algorithm developed by the department of social and health services (DSHS) or the clinical eligibility tool.

AMENDATORY SECTION (Amending WSR 15-17-065, filed 8/14/15, effective 9/14/15)

**WAC 182-557-0200 Health home program—Eligibility.** (1) To be eligible for the health home program, a client must:

(a) Be a recipient of categorically needy health care coverage through:

- (i) Fee-for-service, including full dual eligible clients; or
- (ii) An agency-contracted managed care organization.

(b) Have one or more chronic conditions as defined in WAC 182-557-0100; and

(c) Have a risk score of 1.5 or greater measured either with algorithms developed by the department of social and health services or the agency's clinical eligibility tool located ~~((on the agency's web site at [http://www.hca.wa.gov/Pages/health\\_homes.aspx](http://www.hca.wa.gov/Pages/health_homes.aspx); and~~

~~((d) Agree to participate in a health home program)) at [https://www.hca.wa.gov/assets/billers-and-providers/Clinical\\_Eligibility\\_Tool.xls](https://www.hca.wa.gov/assets/billers-and-providers/Clinical_Eligibility_Tool.xls).~~

(2) A person is ineligible to receive health home services when:

~~(a) The person has third-party coverage that provides comparable health care services(-~~

~~(3) Using information provided by the department of social and health services (DSHS), the agency identifies clients who are eligible for health home services.~~

~~(4)); or~~

~~(b) The person has a risk score of less than 1.0 for six consecutive months and has not received health home services.~~

(3) When the agency determines a client is eligible for health home services, the agency enrolls the client with a qualified health home in the coverage area where the client lives.

(a) The client may decline health home services or change to a different qualified health home or a different health home care coordinator.

(b) If the client ~~((accepts enrollment))~~ chooses to participate in the health home program, a health home care coordinator will:

(i) Work with the participant to develop a health action plan that describes the participant's health goals and includes a plan for reaching those goals; and

(ii) Provide health home services at a level appropriate to the participant's needs.

~~((5))~~ (4) A participant who does not agree with a decision regarding health home services, including a decision regarding the client's eligibility to receive health home services, has the right to an administrative hearing as described in chapter 182-526 WAC.

**AMENDATORY SECTION** (Amending WSR 15-17-065, filed 8/14/15, effective 9/14/15)

**WAC 182-557-0225 Health home services—Methodology for calculating a person's risk score.** The agency uses eight steps to calculate a person's risk score.

(1) **Step 1. Collect paid claims and health plan encounter data.** The agency obtains a set of paid fee-for-service claims and managed care encounters for a client.

(a) For clients age seventeen and younger, the agency uses all paid claims and encounters within the last twenty-four months.

(b) For clients age eighteen and older, the agency uses all paid claims and encounters within the last fifteen months.

(i) The claims and encounters include the international classification of diseases (ICD) diagnosis codes and national drug codes (NDC) submitted by health care providers. These are used in steps 2 and 3 to create a set of risk categories.

(ii) The agency uses two algorithms developed by the University of San Diego:

(A) Chronic illness and disability payment system (CDPS) which assigns ICD diagnosis codes to CDPS risk categories (see Table ((6)) 3 in ~~((Steps to Calculate a Medical Expenditure Risk Score located at [http://www.hca.wa.gov/medicaid/health\\_homes/Documents/calculate\\_medical\\_expenditure\\_risk.pdf](http://www.hca.wa.gov/medicaid/health_homes/Documents/calculate_medical_expenditure_risk.pdf)))~~ subsection (5)(b) of this section); and

(B) Medical Rx (MRx) which assigns NDCs to MRx risk categories (see Table ((7)) 2 in ~~((Steps to Calculate a Medical Expenditure Risk Score located at [http://www.hca.wa.gov/medicaid/health\\_homes/Documents/calculate\\_medical\\_expenditure\\_risk.pdf](http://www.hca.wa.gov/medicaid/health_homes/Documents/calculate_medical_expenditure_risk.pdf)))~~ subsection (3)(b) of this section).

(2) **Step 2. Group ICD diagnosis codes into chronic illness and disability payment system risk categories.**

(a) To group ICD diagnosis codes into the CDPS risk categories (see Table 1 in (b) of this subsection), the agency uses an ICD diagnosis code to CDPS risk categories crosswalk in subsection (1)(b)(ii)(A) of this section. Each of the ICD diagnosis codes listed is assigned to one risk category. If an ICD diagnosis code is not listed in the crosswalk it does not map to a risk category that is used in the calculation of the risk score.

(b) **Table 1. Titles of Chronic Illness and Disability Payment System Risk Categories**

CARVH	Cardiovascular, very high
CARM	Cardiovascular, medium
CARL	Cardiovascular, low
CAREL	Cardiovascular, extra low
PSYH	Psychiatric, high
PSYM	Psychiatric, medium
PSYML	Psychiatric, medium low
PSYL	Psychiatric, low
SKCM	Skeletal, medium
SKCL	Skeletal, low
SKCVL	Skeletal, very low
CNSH	Central Nervous System, high
CNSM	Central Nervous System, medium
CNSL	Central Nervous System, low
PULVH	Pulmonary, very high
PULH	Pulmonary, high
PULM	Pulmonary, medium
PULL	Pulmonary, low
GIH	Gastro, high
GIM	Gastro, medium
GIL	Gastro, low
DIAIH	Diabetes, type 1 high

DIA1M	Diabetes, type 1 medium	MRx3	Anti-coagulants
DIA2M	Diabetes, type 2 medium	MRx4	Asthma/COPD
DIA2L	Diabetes, type 2 low	MRx5	Attention Deficit
SKNH	Skin, high	MRx6	Burns
SKNL	Skin, low	MRx7	Cardiac
SKNVL	Skin, very low	MRx8	Cystic Fibrosis
RENEH	Renal, extra high	MRx9	Depression/Anxiety
RENVH	Renal, very high	MRx10	Diabetes
RENM	Renal, medium	MRx11	EENT
RENL	Renal, low	MRx12	ESRD/Renal
SUBL	Substance abuse, low	MRx13	Folate Deficiency
SUBVL	Substance abuse, very low	MRx14	CMV Retinitis
CANVH	Cancer, very high	MRx15	Gastric Acid Disorder
CANH	Cancer, high	MRx16	Glaucoma
CANM	Cancer, medium	MRx17	Gout
CANL	Cancer, low	MRx18	Growth Hormone
DDM	Developmental Disability, medium	MRx19	Hemophilia/von Willebrands
DDL	Developmental Disability, low	MRx20	Hepatitis
GENEL	Genital, extra low	MRx21	Herpes
METH	Metabolic, high	MRx22	HIV
METM	Metabolic, medium	MRx23	Hyperlipidemia
METVL	Metabolic, very low	MRx24	Infections, high
PRGCMP	Pregnancy, complete	MRx25	Infections, medium
PRGINC	Pregnancy, incomplete	MRx26	Infections, low
EYEL	Eye, low	MRx27	Inflammatory/Autoimmune
EYEVL	Eye, very low	MRx28	Insomnia
CERL	Cerebrovascular, low	MRx29	Iron Deficiency
AIDSH	AIDS, high	MRx30	Irrigating Solution
INFH	Infectious, high	MRx31	Liver Disease
HIVM	HIV, medium	MRx32	Malignancies
INFM	Infectious, medium	MRx33	Multiple Sclerosis/Paralysis
INFL	Infectious, low	MRx34	Nausea
HEMEH	Hematological, extra high	MRx35	Neurogenic Bladder
HEMVH	Hematological, very high	MRx36	Osteoporosis/Pagets
HEMM	Hematological, medium	MRx37	Pain
HEML	Hematological, low	MRx38	Parkinsons/Tremor

**(3) Step 3. Group national drug codes (NDCs) into MRx risk categories.**

(a) To group the NDC codes into MRx risk categories (see Table 2 in (b) of this subsection), the agency uses a NDC code to MRx risk categories crosswalk in subsection (1)(b)(ii)(B) of this section.

**(b) Table 2. Titles of Medicaid Rx Risk Categories**

MRx39	Prenatal Care
MRx40	Psychotic Illness/Bipolar
MRx41	Replacement Solution
MRx42	Seizure Disorders
MRx43	Thyroid Disorder
MRx44	Transplant
MRx45	Tuberculosis
MRx1	Alcoholism
MRx2	(( <del>Alzheimers</del> )) <u>Alzheimer's</u>

(4) **Step 4. Remove duplicate risk categories.** After mapping all diagnosis and drug codes to the risk categories, the agency eliminates duplicates of each client's risk categories so that there is only one occurrence of any risk category for each client.

(5) **Step 5. Select the highest CDPS risk category within a disease group.**

(a) The agency organizes CPDS risk categories into risk category groups of different intensity levels. The high risk category in each group is used in the calculation of the risk score. The lower level risk categories are eliminated from further calculations.

(b) **Table 3. Chronic Disease Payment System Risk Category Groups**

Group Description	Risk Categories (Ordered Highest to Lowest Intensity)
AIDS/HIV and Infection	AIDSH, INFH, HIVM, INFM, INFL
Cancer	CANVH, CANH, CANM, CANL
Cardiovascular	CARVH, CARM, CARL, CAREL
Central Nervous System	CNSH, CNSM, CNSL
Diabetes	DIA1H, DIA1M, DIA2M, DIA2L
Developmental Disability	DDM, DDL
Eye	EYEL, EYEVL
Gastrointestinal	GIH, GIM, GIL
Hematological	HEMEH, HEMVH, HEMM, HEML
Metabolic	METH, METM, METVL
Pregnancy	PRGCMP, PRGINC
Psychiatric	PSYH, PSYM, PSYML, PSYL
Substance Abuse	SUBL, SUBVL
Pulmonary	PULVH, PULH, PULM, PULL

Group Description	Risk Categories (Ordered Highest to Lowest Intensity)
Renal	RENEH, RENVH, RENM, RENL
Skeletal	SKCM, SKCL, SKCVL
Skin	SKNH, SKNL, SKNVL

(6) **Step 6. Determine age/gender category.**

(a) For each client, the agency selects the appropriate age/gender category. The eleven categories are listed in Table 4 in (b) of this subsection. The categories for ages below five and above sixty-five are gender neutral.

(b) **Table 4. Age/Gender Categories**

Age	Gender
Age <1	
Age 1 to 4	
Age 5 to 14	Male
Age 5 to 14	Female
Age 15 to 24	Male
Age 15 to 24	Female
Age 25 to 44	Male
Age 25 to 44	Female
Age 45 to 64	Male
Age 45 to 64	Female
Age 65+	

(7) **Step 7. Apply risk weights.**

(a) The agency assigns each risk category and age/gender category a weight. The weight comes from either the model for clients who are age seventeen and younger or from the model for clients age eighteen and older.

(b) In each model there are three types of weights.

(i) Age/gender - Weights that correspond to the age/gender category of a client.

(ii) CDPS - Weights that correspond to fifty-eight of the CDPS risk categories.

(iii) MRx - Weights that correspond to forty-five of the MRx risk categories.

(c) **Table 5. Risk Score Weights**

Category Type	Category	Description	Weights for Children (age <18)	Weights for Adults (age 18+)
Age/Gender	Age <1	Clients of age less than 1	0.40671	0.00000
	Age 1 to 4	Clients age 1 to 4	0.40671	0.00000
	Age 5 to 14, Male	Male clients age 5 to 14	0.28867	0.00000
	Age 5 to 14, Female	Female clients age 5 to 14	0.29441	0.00000
	Age 15 to 24, Male	Male clients age 15 to 24	0.22630	-0.01629
	Age 15 to 24, Female	Female clients age 15 to 24	0.26930	0.03640

Category Type	Category	Description	Weights for Children (age <18)	Weights for Adults (age 18+)
	Age 25 to 44, Male	Male clients age 25 to 44	0.00000	0.04374
	Age 25 to 44, Female	Female clients age 25 to 44	0.00000	0.06923
	Age 45 to 64, Male	Male clients age 45 to 64	0.00000	0.13321
	Age 45 to 64, Female	Female clients age 45 to 64	0.00000	0.06841
	Age 65+	Clients age 65 and older	0.00000	-0.05623
<b>CDPS</b>	CARVH	Cardiovascular, very high	0.53941	2.86702
	CARM	Cardiovascular, medium	0.23927	0.73492
	CARL	Cardiovascular, low	0.18510	0.24620
	CAREL	Cardiovascular, extra low	0.06589	0.06225
	PSYH	Psychiatric, high	0.47759	0.27085
	PSYM	Psychiatric, medium	0.31301	0.00000
	PSYML	Psychiatric, medium low	0.16307	0.00000
	PSYL	Psychiatric, low	0.10344	0.00000
	SKCM	Skeletal, medium	0.23477	0.42212
	SKCL	Skeletal, low	0.10630	0.15467
	SKCVL	Skeletal, very low	0.07873	0.06773
	CNSH	Central Nervous System, high	0.30440	0.78090
	CNSM	Central Nervous System, medium	0.34386	0.40886
	CNSL	Central Nervous System, low	0.16334	0.18261
	PULVH	Pulmonary, very high	1.28955	4.01723
	PULH	Pulmonary, high	0.67772	0.39309
	PULM	Pulmonary, medium	0.39768	0.31774
	PULL	Pulmonary, low	0.14708	0.13017
	GIH	Gastro, high	0.78046	1.34924
	GIM	Gastro, medium	0.29755	0.24372
	GIL	Gastro, low	0.14579	0.05104
	DIA1H	Diabetes, type 1 high	0.31680	1.04302
	DIA1M	Diabetes, type 1 medium	0.31680	0.23620
	DIA2M	Diabetes, type 2 medium	0.16101	0.17581
	DIA2L	Diabetes, type 2 low	0.16101	0.09635
	SKNH	Skin, high	0.49898	0.37981
	SKNL	Skin, low	0.25185	0.45155
	SKNVL	Skin, very low	0.07523	0.02119
	RENEH	Renal, extra high	2.43609	3.41999
	RENVH	Renal, very high	0.93888	0.69251
	RENM	Renal, medium	0.33261	0.92846
	RENL	Renal, low	0.17492	0.17220
	SUBL	Substance Abuse, low	0.27104	0.16104
	SUBVL	Substance Abuse, very low	0.04493	0.08784
	CANVH	Cancer, very high	1.31064	2.80074
	CANH	Cancer, high	0.57909	0.97173

Category Type	Category	Description	Weights for Children (age <18)	Weights for Adults (age 18+)
	CANM	Cancer, medium	0.29642	0.38022
	CANL	Cancer, low	0.15058	0.22625
	DDM	Developmental Disability, medium	0.31414	0.27818
	DDL	Developmental Disability, low	0.11095	0.05913
	GENEL	Genital, extra low	0.02242	0.01121
	METH	Metabolic, high	0.51575	0.47226
	METM	Metabolic, medium	0.33856	0.11310
	METVL	Metabolic, very low	0.14658	0.18678
	PRGCMP	Pregnancy, complete	0.00000	0.00000
	PRGINC	Pregnancy, incomplete	0.17563	0.51636
	EYEL	Eye, low	0.11538	0.13271
	EYEVL	Eye, very low	0.04094	0.00000
	CERL	Cerebrovascular, low	0.10623	0.00000
	AIDSH	AIDS, high	0.91357	0.47361
	INFH	Infectious, high	0.91357	0.79689
	HIVM	HIV, medium	0.60245	0.07937
	INFM	Infectious, medium	0.41047	0.79689
	INFL	Infectious, low	0.15311	0.05617
	HEMEH	Hematological, extra high	2.80021	12.71981
	HEMVH	Hematological, very high	0.97895	3.08836
	HEMM	Hematological, medium	0.46032	0.63211
	HEML	Hematological, low	0.17762	0.25601
<b>MRx</b>	MRx1	Alcoholism	0.11051	0.01924
	MRx2	(( <del>Alzheimers</del> )) <u>Alzheimer's</u>	0.00000	0.08112
	MRx3	Anti-coagulants	0.31281	0.13523
	MRx4	Asthma/COPD	0.09825	0.05751
	MRx5	Attention Deficit	0.00000	0.00779
	MRx6	Burns	0.13977	0.00000
	MRx7	Cardiac	0.09177	0.06425
	MRx8	Cystic Fibrosis	0.48222	0.37265
	MRx9	Depression/Anxiety	0.07013	0.09436
	MRx10	Diabetes	0.16852	0.17046
	MRx11	EENT	0.00000	0.00072
	MRx12	ESRD/Renal	1.32358	1.20707
	MRx13	Folate Deficiency	0.17618	0.11899
	MRx14	CMV Retinitis	0.41138	0.00000
	MRx15	Gastric Acid Disorder	0.11001	0.15470
	MRx16	Glaucoma	0.03738	0.12971
	MRx17	Gout	0.00000	0.00000
	MRx18	Growth Hormone	0.97620	1.59521
	MRx19	Hemophilia/von Willebrands	11.68858	89.14461

Category Type	Category	Description	Weights for Children (age <18)	Weights for Adults (age 18+)
	MRx20	Hepatitis	0.16213	0.00000
	MRx21	Herpes	0.04497	0.01725
	MRx22	HIV	0.69702	1.01178
	MRx23	Hyperlipidemia	0.00000	0.03791
	MRx24	Infections, high	1.23096	1.51663
	MRx25	Infections, medium	0.07841	0.06192
	MRx26	Infections, low	0.00000	0.00918
	MRx27	Inflammatory/Autoimmune	0.09058	0.20046
	MRx28	Insomnia	0.08510	0.06437
	MRx29	Iron Deficiency	0.12948	0.15054
	MRx30	Irrigating Solution	0.64194	0.16387
	MRx31	Liver Disease	0.34084	0.22681
	MRx32	Malignancies	0.36730	0.44200
	MRx33	Multiple Sclerosis/Paralysis	0.03542	0.04353
	MRx34	Nausea	0.16101	0.17120
	MRx35	Neurogenic Bladder	0.13864	0.07675
	MRx36	Osteoporosis/Pagets	0.00000	0.00000
	MRx37	Pain	0.04154	0.04151
	MRx38	Parkinsons/Tremor	0.17179	0.06257
	MRx39	Prenatal Care	0.00000	0.13192
	MRx40	Psychotic Illness/Bipolar	0.24399	0.20274
	MRx41	Replacement Solution	0.47152	1.49405
	MRx42	Seizure Disorders	0.23418	0.19837
	MRx43	Thyroid Disorder	0.04267	0.06326
	MRx44	Transplant	0.34858	0.05810
	MRx45	Tuberculosis	0.22778	0.00000

**(8) Step 8. Sum risk weights to obtain the risk score.**

After obtaining the weights that correspond to a client's age/gender category and set of risk categories, the agency takes a sum of the values of all of the weights. This sum is the risk score for a client.

Hearing Location(s): On December 5, 2017, at 2:00 p.m. - 2:30 p.m., at 621 8th Avenue S.E., Suite 409, Olympia, WA 98504-0944.

Date of Intended Adoption: December 5, 2017.

Submit Written Comments to: Mandie Dell or Pam Pannkuk, 621 8th Avenue S.W., Suite 409, Olympia, WA 98504-0944, email mdell@wtsc.wa.gov or ppannkuk@wtsc.wa.gov, fax 360-586-6489, by December 4, 2017.

Assistance for Persons with Disabilities: Contact Mandie Dell, phone 360-725-9883, fax 360-586-6489, email mdell@wtsc.wa.gov, by December 4, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Revisions to current Title 467 WAC, chapter 467-02 WAC including: Updating references to our old address; definitions, references to RCW that have been recodified; and the public records request language to reflect new RCW language.

Reasons Supporting Proposal: See purpose above.

Statutory Authority for Adoption: RCW 43.59.070.

Statute Being Implemented: RCW 43.59.070.

**WSR 17-22-015**

**PROPOSED RULES**

**TRAFFIC SAFETY COMMISSION**

[Filed October 20, 2017, 9:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-18-002.

Title of Rule and Other Identifying Information: Title 467 WAC, Traffic safety commission, chapter 467-02 WAC, Public access to information and records.

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

Name of Proponent: Washington traffic safety commission, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Pam Pannkuk, 621 8th Avenue S.E., Suite 409, Olympia, WA 98504-0944, 360-725-9884.

A school district fiscal impact statement is not required under RCW 28A.305.135.

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

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Is exempt under RCW 34.05.310 (4)(d).

October 20, 2017

Pam Pannkuk

Deputy Director

AMENDATORY SECTION (Amending WSR 91-23-101, filed 11/20/91, effective 12/21/91)

**WAC 467-02-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the Washington traffic safety commission with the provisions ~~((of RCW 42.17.250 through 42.17.340))~~ under chapter 42.56 RCW dealing with public records.

AMENDATORY SECTION (Amending Order 1, filed 4/11/77)

**WAC 467-02-020 Definitions.** (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of fiscal form or characteristic. This definition does not include records that are not otherwise required to be retained by the agency and are held by volunteers who:

(a) Do not serve in an administrative capacity;

(b) Have not been appointed by the agency to an agency board, commission, or internship; and

(c) Do not have a supervisory role or delegated agency authority.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing and every other means of recording ~~((sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films, magnetic or punched cards, discs, drums and other documents))~~ any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films, prints, motion pictures, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other docu-

ments including existing data compilation from which information may be obtained or translated.

(3) "Commission" means the Washington traffic safety commission.

AMENDATORY SECTION (Amending WSR 91-23-101, filed 11/20/91, effective 12/21/91)

**WAC 467-02-030 Exempted records.** In accordance with RCW ~~((42.17.340))~~ 42.56.210, the following personal and other records shall be exempt from public inspection and copying:

(1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probations or parolees.

(2) Personal information in files maintained for employees, appointees or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(3) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.

(4) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(5) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, except as the complainant may authorize.

(6) Test questions, scoring keys, and other examination data used to administer a license, employment or academic examination.

~~((Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.~~

~~((8)))~~ Valuable formulae, designs, drawings computer source code or object code and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss (RCW 42.56.270(1)).

~~((9)))~~ (8) Preliminary drafts, notes, recommendations and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

~~((10)))~~ (9) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

~~((11)))~~ (10) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.



~~((12))~~ (11) The residential addresses and residential telephone numbers of the employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

~~((13))~~ (12) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

~~((14))~~ (13) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

~~((15))~~ (14) Personal or financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for:

(a) ~~A ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750; or~~

(b) ~~Highway construction or improvement as required by RCW 47.28.070.~~

(16) as required by RCW 42.56.230 and defined by RCW 9.35.005.

(15) The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

AMENDATORY SECTION (Amending WSR 91-23-101, filed 11/20/91, effective 12/21/91)

**WAC 467-02-050 Public records officer.** The Washington traffic safety commission public records shall be managed by the public records officer for the commission. The person so designated shall be officed in the Washington Traffic Safety Commission (~~Building~~) Office, Olympia, Washington. The public records officer shall be responsible for implementation of the commission's rules and regulations regarding release of public records, coordinating staff efforts of the commission's rules and regulations regarding release of public records, and generally ensuring compliance of the staff with the public records disclosure requirements of chapter 1, Laws of 1973.

AMENDATORY SECTION (Amending WSR 91-23-101, filed 11/20/91, effective 12/21/91)

**WAC 467-02-070 Requests for public records.** Subject to the provisions of subsection (3) of this section, public records are obtainable by members of the public when those members of the public comply with the following procedures.

(1) The commission shall honor requests received in person during the commission's normal office hours, or by mail or email, unless exempted by provisions in this chapter. A request shall be addressed to the public records officer. Such request shall include the following in the public disclosure request:

(a) The name of the person requesting the record and their contact information.

(b) The time of day and calendar date on which the request was made.

(c) If the matter requested is referenced within the current index maintained by the Washington traffic safety commission, a reference to the requested record as it is described in such current index.

(d) If the requested matter is not identifiable by reference to the Washington traffic safety commission's current index, a statement that identifies the specific record requested.

(e) A verification that the records requested shall not be used to compile a commercial sales list.

(2) The public records officer shall inform the member of the public making the request (~~whether the requested record is available for inspection and copying at 1000 S. Cherry Street, in Olympia, Washington~~) within five business days of receiving a public record request by either:

(a) Providing the record;

(b) Providing an internet address and link on the agency's web site to the specific records requested, except that if the requestor notifies the agency that he or she cannot access the records through the internet, then the agency must provide copies of the record or allow the requestor to view copies using an agency computer;

(c) Acknowledging that the agency has received the request and providing a reasonable estimate of the time the agency will require to respond to the request; or

(d) Denying the public record request (RCW 42.56.520).

(3) When it appears that a request for a record is made by or on behalf of a party to a lawsuit or a controversy to which the commission is also a party (or when such a request is made by or on behalf of an attorney for such a party) the request shall be referred to the assistant attorney general assigned to the commission for appropriate response.

AMENDATORY SECTION (Amending Order 1, filed 4/11/77)

**WAC 467-02-090 Inspection and copying cost.** (1) No fee shall be charged for inspection of public records.

(2) ~~((The Washington traffic safety commission shall impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy records; such charges shall not exceed the amount necessary to reimburse the Washington traffic safety commission for its actual costs incident to such copying. Actual costs shall include the labor costs of staff, machine cost and paper cost necessary to provide copies of requested records.))~~ Pursuant to RCW 42.56.120(2), as amended by section 3, chapter 304, Laws of 2017, the Washington traffic safety commission declares for the following reasons that it would be unduly burdensome for it to calculate the actual costs it charges for providing copies of public records: Funds were not allocated for performing a study to calculate such actual costs and the agency lacks the necessary funds to perform a study and calculations; staff resources are insufficient to perform a study and to calculate such actual costs; and a study would interfere with and disrupt other essential agency functions.

(3) The Washington traffic safety commission may charge fees for production of copies of public records consis-

tent with the fee schedule established in RCW 42.56.120, as amended by section 3, chapter 304, Laws of 2017.

**AMENDATORY SECTION** (Amending WSR 91-23-101, filed 11/20/91, effective 12/21/91)

**WAC 467-02-120 Review of denials of public records requests.** (1) Any person who objects to the denial of a request for a public record may petition the public records officer for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) After receiving a written request for review of a decision denying a public record, if the public records officer determines to affirm the denial, ~~((then the written request shall immediately be referred to the assistant attorney general assigned to the commission. The assistant attorney general shall promptly consider the matter and either affirm or reverse such denial))~~ such decision shall constitute final agency action. In any case, the request shall be returned with a final decision, within two business days following receipt of the petition for review.

(3) Administrative remedies shall not be considered exhausted until the public records officer has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever first occurs.

**AMENDATORY SECTION** (Amending WSR 91-23-101, filed 11/20/91, effective 12/21/91)

**WAC 467-02-130 Records index.** (1) The commission has available to all persons at its offices in Olympia a current index which provides identifying information as to the following records issued, adopted or promulgated by the commission:

- (a) Minutes of commission meetings;
- (b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the commission;
- (c) Administrative staff manuals and instructions to staff that affect a member of the public;
- (d) Planning policies and goals, and interim and final planning decisions;
- (e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others.

(2) A system of indexing for identification and location of the following records is hereby established by the commission. Such records shall include the following:

- (a) Final orders entered after June 30, 1990, issued in adjudicative proceedings as defined in RCW 34.05.010(1) that contain an analysis or decision of substantial importance to the agency in carrying out its duties.
- (b) Declaratory orders entered after June 10, 1990, that contain an analysis or decision of substantial importance to the agency in carrying out its duties.

(c) Interpretative statements as defined in RCW 34.05.010(8).

(d) Policy statements entered after June 30, 1990, as defined in RCW 34.05.010(14).

(3) A system of indexing shall be as follows:

(a) The indexing system will be administered by the commission's rules coordinator and located at ~~((1000 S. Cherry Street, Olympia, Washington))~~ the Washington traffic safety commission.

(b) Copies of all indexes shall be available for public inspection and copying in the manner provided for the inspection and copying of public records.

(c) The rules coordinator shall establish and maintain a separate index for each item contained in subsection (1)(a) through (e) of this section as follows:

(i) The index shall list all final orders and declaratory orders selected by the commission that contain decisions of substantial importance to the agency which orders shall be listed alphabetically by the titles of the hearing or controversy and shall contain a phrase describing the issue or issues and relevant citations of law.

(ii) Interpretative statements and policy statements shall be indexed by the applicable program administered by the commission.

(d) The rules coordinator shall update all indexes at least once a year and shall revise such indexes when deemed necessary by the commission.

## WSR 17-22-019

### PROPOSED RULES

### DEPARTMENT OF

### NATURAL RESOURCES

[Filed October 20, 2017, 12:06 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-18-054.

Title of Rule and Other Identifying Information: Chapter 332-10 WAC, Public records—Department of natural resources and board of natural resources.

Hearing Location(s): On December 11, 2017, at 6:00 p.m., at Conference Room 172, Natural Resources Building, 1111 Washington Street S.E., Olympia.

Date of Intended Adoption: January 3, 2018.

Submit Written Comments to: Charles Malone and Jenny Hallengren-Sawyer, P.O. Box 47041, email Charles.malone@dnr.wa.gov and jenny.hallengren-sawyer@dnr.wa.gov, fax 360-902-1789, by December 18, 2017.

Assistance for Persons with Disabilities: Contact Jenny Hallengren-Sawyer, phone 360-902-1542, fax 360-902-1789, email jenny.hallengren-sawyer@dnr.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department of natural resources proposes amending the chapter to better conform such chapter to: (1) Recent changes in the statutory law concerning public records fees; (2) model rules recommended by the attorney general's office (chapter 44-14 WAC), and (3) current agency practices.

Reasons Supporting Proposal: The proposal addresses changes made by the legislature in adopting EHB 1595 (chapter 304, Laws of 2017) and adopting ESHB 1594 (chapter 303, Laws of 2017) as well as to update rules consistent with current agency practices.

Statutory Authority for Adoption: RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120, and 42.56.520; and chapter 304, Laws of 2017.

Statute Being Implemented: Chapter 42.56 RCW, Public Records Act.

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

Name of Proponent: Department of natural resources, governmental.

Name of Agency Personnel Responsible for Drafting: Charles Malone, 1111 Washington Street S.E., Olympia, WA, 360-902-1264; Implementation and Enforcement: Jenny Hallengren-Sawyer, 1111 Washington Street S.E., Olympia, WA, 360-902-1542.

A school district fiscal impact statement is not required under RCW 28A.305.135.

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

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; rule content is explicitly and specifically dictated by statute; and rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

October 20, 2017  
Brule Burkhart  
Deputy Supervisor  
for Administration

AMENDATORY SECTION (Amending Order 262, filed 6/16/76)

**WAC 332-10-010 Purpose of rules.** The purpose of this chapter shall be to insure compliance by the department of natural resources and the board of natural resources with the provisions of chapter ~~((42.17 RCW, Disclosure—Campaign finances—Lobbying—Records))~~ 42.56 RCW, Public

Records Act, and in particular with RCW ~~((42.17.250 through 42.17.340))~~ 42.56.040 through 42.56.550 of that act dealing with public records.

AMENDATORY SECTION (Amending WSR 01-07-049, filed 3/16/01, effective 4/16/01)

**WAC 332-10-020 Definition.** The following definitions shall apply in this chapter:

(1) "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by the department regardless of physical form or characteristics. See RCW ~~((42.17.020(26))~~ 42.56.010(3).

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents. See RCW ~~((42.17.020(28))~~ 42.56.010(4).

(3) "Board" means the board of natural resources, a policy setting board whose six members serve in an ex officio capacity. The duties of the board are described in RCW ~~((43.30.150))~~ 43.30.215.

(4) "Department" means the department of natural resources which is:

(a) A regulatory agency with regard to geology activities on state and privately owned land, and outdoor burning on state and privately owned forest land~~((;))~~;

(b) A proprietary land management agency for state-owned land under the jurisdiction of the department~~((;))~~;

(c) A service and information repository agency regarding surveys and maps of the state, farm forestry advice and general geology information~~((;))~~;

(d) An agency that administers and enforces state forest protection laws and the forest practices regulations of the forest practices board and the department of ecology on state and privately owned forest land.

(5) "Commissioner" means the commissioner of public lands who is an elected official and serves as the administrator of the department. The commissioner, in accordance with RCW ~~((43.30.170))~~ 43.30.430, has delegated to the supervisor of the department the direct supervision of the department activities.

(6) "Supervisor" means ~~((one or more supervisor(s)))~~ the supervisor of natural resources. RCW 43.30.020(6).

AMENDATORY SECTION (Amending WSR 01-07-049, filed 3/16/01, effective 4/16/01)

**WAC 332-10-040 Operations and procedures of the department of natural resources.** (1) The legal authority for the department's activities is provided principally by:

(a) The State Enabling Act, Sections ~~((Nos.))~~ 10 through 19;

(b) The state Constitution, Articles ~~((Nos.))~~ III, XV, XVI, XVII and Amendment ~~((No.))~~ 15;

(c) The Revised Code of Washington, Titles ~~((Nos.))~~ 43, 46, 58, 70, 76, 78, 79 and 84 RCW;

(d) The Washington Administrative Code, Titles ~~((Nos.))~~ 222 and 332 WAC.

(2) The commissioner and the board acting under their respective legal authorities determine policy for the department. The supervisor of the department:

(a) Provides direct supervision over the department's activities.

(b) Implements department policy through a line-functional staff comprised of several divisions and ~~((seven))~~ regional offices. The divisions develop operational programs and procedures within their respective specialties of resource management. These programs and procedures are carried out through the ~~((seven))~~ regional offices.

AMENDATORY SECTION (Amending WSR 91-14-014, filed 6/24/91, effective 7/25/91)

**WAC 332-10-050 Public records available.** All public records of the department are deemed to be available for public inspection and copying pursuant to these rules, ~~((except as otherwise provided by RCW 42.17.310 and other laws))~~ unless the record falls within the specific exemptions of the Public Records Act or other statute which exempts or prohibits disclosure of specific information or records. RCW 42.56.070(1).

The department is not required to retain every record it ever created or used. The department manages their records according to the state government general records retention schedule and the department of natural resources specific records retention schedule. Both schedules are available through the office of the secretary of state.

AMENDATORY SECTION (Amending WSR 91-14-014, filed 6/24/91, effective 7/25/91)

**WAC 332-10-060 Public records officer for the department of natural resources and the board of natural resources.** (1) The public records officer for the department ~~((is designated as the chief lands recorder located in the department's administrative office.))~~ of natural resources shall also serve as the public records officer for the board of natural resources. The name and contact information of the agency's public records officer to whom members of the public may direct requests for disclosure of public records and who will oversee the agency's compliance with the public records disclosure requirements of this chapter shall be published in the state register at the time of designation and maintained thereafter on the code reviser web site for the duration of the designation. RCW 42.56.580.

(2) The public records officer shall be responsible for the following: The implementation of the department's rules and regulations regarding release of public records, coordinating the staff of the department in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter ~~((42.17))~~ 42.56 RCW.

~~(((2) Additional public record officers may be designated for specific offices within the department:~~

~~(a) The secretary of the commissioner is designated as the public records officer for the board.~~

~~(b) The office manager located in each of the regional offices is designated as the public records officer for region office records.))~~

AMENDATORY SECTION (Amending WSR 91-14-014, filed 6/24/91, effective 7/25/91)

**WAC 332-10-070 Office hours.** Public records shall be available for inspection and copying, by appointment, during the customary office hours of the department for a minimum of thirty hours per week, except weeks that include state legal holidays. For the purpose of this chapter, the customary office hours shall be from ~~((8:00))~~ 9:00 a.m. until ~~((noon and from 1:00 p.m. until 4:30))~~ 3:00 p.m., Monday through Friday, excluding legal holidays. RCW 42.56.090. Such inspection and copying may be postponed if, in the department's opinion, it would interfere with duties related to an emergency at a regional office or the fire control division in central headquarters.

AMENDATORY SECTION (Amending WSR 91-14-014, filed 6/24/91, effective 7/25/91)

**WAC 332-10-080 Requests for public records.** Public records ~~((may be inspected or copied, or copies of such records may be obtained by members of the public, upon compliance with the following procedures:~~

~~(1) Inquiry for general information regarding department activities may be directed to the administrative office or any regional office.~~

~~(2) A request for specific public records shall be made in writing upon a form prescribed by the department which shall be available at its administrative and regional offices. The form shall be presented to the public records officer, during customary office hours. The request shall include the following information:~~

~~(a) The name and address of the person requesting the record and the organization they represent;~~

~~(b) The time of day and calendar date on which the request was made;~~

~~(c) A description of the material requested.~~

~~(3) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.~~

~~(4) The department will also honor requests received by mail for identifiable public records unless exempted))~~ shall be available for inspection and copying, and the department shall, upon request for identifiable public records, make them promptly available to any person including, if applicable, on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for inspection or disclosure. The department shall not deny a request for identifiable public records solely on the basis that the request is overbroad. The department shall not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate RCW 42.56.070(8) or 42.56.240(14), or other statute which exempts or prohibits disclosure of specific

information or records to certain persons. The department facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency. The department shall honor requests received in person during the department's normal office hours, or by mail or email, for identifiable public records unless exempted by provisions of this chapter. No official format is required for making a records request; however, the department may recommend that requestors submit requests using an agency provided form or web page. RCW 42.56.080.

The department may deny a "bot" request (a request that an agency reasonably believes was automatically generated by a computer program or script), when it is one of multiple requests from the requestor received within a twenty-four-hour period. RCW 42.56.080(3). The department must establish that responding would cause excessive interference with other department essential functions.

Requests for public records must be for "identifiable" records. A request for all or substantially all of the department's records is not a valid public records request, provided that a request for all records regarding a particular topic or containing a particular keyword or name shall not be considered a request for all the department's records. RCW 42.56.080.

AMENDATORY SECTION (Amending Order 262, filed 6/16/76)

**WAC 332-10-090 Copying.** No fee shall be charged for the inspection of public records((- For printed, typed and written material of a maximum size of 8 1/2" by 14", the department shall charge a reasonable fee determined from time to time by the department for providing copies of public records and for use of the department's copy equipment.)) or locating public documents and making them available for copying except as provided by the Public Records Act, chapter 42.56 RCW. For copies of records, maps, photos, reports, and other nonstandard items the department shall charge a reasonable fee determined by the department payable at the time copies are furnished. This charge is the amount necessary to reimburse the department for its actual costs ((incident to such)) of copying. ((Copies of maps, photos, reports and other nonstandard items shall be furnished at the regular price established by the department. When other special copy work of nonstandard items is requested, the fee charged will reflect the total cost including the time of department personnel.)) The department may require a deposit of up to ten percent of the estimated cost of providing copies for a request.

In addition to the charge imposed for providing copies of public records and for the use by any person of agency equipment copying costs, the agency may charge a customized service charge to reimburse the agency up to the actual cost under RCW 42.56.120(3) if the agency estimates that the request would require the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by the agency for the other agency purposes. The department will notify the requestor of the customized service charge to be applied to

the request, including an explanation of why the customized service charge applies, a description of the specific expertise, and a reasonable estimate cost of the charge.

AMENDATORY SECTION (Amending WSR 91-14-014, filed 6/24/91, effective 7/25/91)

**WAC 332-10-100 Exemptions.** ((1) The department reserves the right to determine that a public record requested is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260, the department reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.

(3) All public records otherwise exempt by law shall be considered exempt under the provision of these rules.

(4) All denials of requests for public records will be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

(5) The department recognizes that the preservation of personal rights is of paramount importance. Accordingly, the department policy shall be to conduct the disclosure of public records in such a manner to preserve the personal privacy of all department personnel. The policy shall extend to companies and individuals from outside the department whose records come into possession of the department.

The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

Inspection or copying of any specific records, exempt under the provisions of this section, may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the department, that the exemption of such records, is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.)) Some records are exempt from disclosure, in whole or in part. If the department believes that a record is exempt from disclosure and should be withheld, the public records officer or designee will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer or designee will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted. RCW 42.56.070(1).

AMENDATORY SECTION (Amending WSR 91-14-014, filed 6/24/91, effective 7/25/91)

**WAC 332-10-130 Records index for the department.**

(1) The department maintains the following methods to index its records:

(a) Automated Tract Book ~~((s))~~. ~~((Indicate))~~ An enterprise content management (ECM) software solution which organizes and stores digital documents and related indexed data for all significant land transactions since statehood concerning the acquisition, transfer, exchange, disposition and management encumbrance activities of state lands ~~((Is organized))~~ owned and managed by the department. It is searchable by legal description, i.e., section - township - range, grantor name, lessor, lessee, file-contract number, etc. The Automated Tract Book is ~~((located in))~~ managed by the office of the chief lands recorder also known as the department's title and records office.

(b) Commissioner and department orders. Indexed from 1975 to present by year and order number. Commissioner and department orders contain and indicate subject and/or file jacket number.

(c) Board of natural resources meeting index and resolutions. Board meetings are tape recorded and written minutes prepared. These are indexed by date and are available for inspection through the public records officer in the commissioner's office.

(d) Administrative rule docket. The department has historically maintained an index of administrative rules adopted by the department. It is formatted by: Date, department rule number, subject, and contact person. Beginning in 1990 the format was expanded to conform with the requirements of RCW 34.05.315. This index is located in the office of the ~~((chief lands recorder))~~ rules coordinator.

(e) To conform with RCW ~~((42.17.260(4)))~~ 42.56.070 (5), the following indexes and files are maintained by the ~~((chief lands recorder))~~ rules coordinator in the department's administrative office:

(i) All records issued before July 1, 1990, for which the department has maintained an index;

(ii) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and that contain an analysis or decision of substantial importance to the department in carrying out its duties;

(iii) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the department in carrying out its duties;

(iv) Interpretive statements as defined in RCW 34.05.010(8) that were entered after June 30, 1990; and

(v) Policy statements as defined in RCW 34.05.010(14) that were entered after June 30, 1990.

Copies of all indexes shall be available for public inspection and copying during business hours and in accordance with WAC 332-10-080. The indexes shall be kept current and updated annually. Selected final and declaratory orders that contain an analysis or decision of substantial importance to the agency in carrying out its duties, and interpretive and policy statements will be indexed chronologically by date, applicable program, hearing title, description of subject matter,

citation to the law involved, or a selected combination of these, as appropriate.

(f) Rule-making file. To conform with RCW 34.05.370, the department maintains an official rule-making file for each rule that the department proposes by publication in the state register or adopts. Some rules apply to specific programs within the department, while others, such as those adopted under the State Environmental Policy Act and the Administrative Procedure Act, apply department-wide. The administrative offices of divisions that administer specific programs maintain the rule-making files that apply to those programs. The department rules coordinator maintains the rule-making files for rules that apply department-wide.

(g) Department ~~((manual))~~ policy and procedure library. The department maintains a comprehensive electronic policy and procedures ~~((manual))~~ library. The ~~((manual describes))~~ library includes policy statements and procedures used to implement the department's ~~((various))~~ administrative functions and mandated responsibilities. It is organized by program activity, i.e., ~~((fire control))~~ wildfire, timber sales, administrative functions, etc. ~~((Manuals are available for review at the department's administrative or any regional office.))~~ Documents are available to all staff from the agency's internal web site.

(h) Bibliography of department publications. It is common practice for the department to publish important policy and management plans as well as reports on specific subjects regarding resource management. The bibliography can be obtained through the department's ~~((Photo and Distribution Center, 1065 S. Capitol Way, Olympia, WA 98504, or any regional))~~ policy office.

(2) The department does not use a central filing system. Records are maintained in each of the regional offices spread throughout the state and in each of the divisions in the administrative office. Many of the land ownership and encumbrance records are located in the department's title and records office at agency headquarters and are typically identified by legal description such as section - township - range or department file-contract number. Each organizational unit maintains a record system to meet its specific needs. The department can respond to requests for records, by the public describing the type of information they are seeking. General correspondence related to governmental and regulatory activities and internal services can usually be identified by subject and usually in the division responsible for that activity. Regulatory permits and licenses may be identified by legal description or application number. Correspondence and other data related to proprietary activities are identified by application number and can be cross-referenced by legal description.

AMENDATORY SECTION (Amending WSR 91-14-014, filed 6/24/91, effective 7/25/91)

**WAC 332-10-140 Address for communication requests.** ~~((All communications with the department including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.17 RCW, and these rules, requests for copies of the department's decisions and other matters, shall be addressed as follows: Department of Natural Resources, c/o~~

~~Public Records Officer, Olympia, Washington 98504.) Requests for public records may be communicated by email, telephone, or fax, as well as the following means:~~

- ~~(1) Online: Department of Natural Resources web site;  
(2) Mail: Department of Natural Resources, Public Disclosure Office, P.O. Box 47014, Olympia, WA 98504-7014.~~

AMENDATORY SECTION (Amending WSR 92-22-076, filed 11/2/92, effective 12/3/92)

**WAC 332-10-170 Fees for performing the following service.** Charges for the following categories of services will be collected and transmitted to the state treasurer for deposit:

(1) Twenty-five dollars for the approval of any assignment of contract of sale, assignment of lease, assignment of bill of sale or assignment of right of way.

(2) Twenty-five dollars for the division of contracts or leases pursuant to RCW 79.01.236.

(3) Five dollars for certification of any document.

~~(4) ((Twenty five cents per page, plus postage if mailed, for copies of documents which do not exceed 8 1/2 x 14 inches in size. May be copied by requestor or agency staff.~~

~~Up to one dollar per page, plus postage if mailed, for copies of documents when copying would unreasonably disrupt the operations of the agency, requiring uninterrupted, long term use of agency copy equipment. Actual costs incident to such copying will be charged. Copies not to exceed 8-1/2 x 14 inches in size.~~

~~(5) Copies of documents or nonstandard items beyond the size of documents set forth in subsection (4) of this section (e.g., computer printouts, films, recordings or maps) will be charged on the basis of the cost of reproduction including the time of department personnel as determined by the department of natural resources.) The department will use the statutory fee schedule in RCW 42.56.120(2).~~

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 332-10-065 Public records officer for the board of natural resources.

#### WSR 17-22-020

#### PROPOSED RULES

#### BOARD OF INDUSTRIAL INSURANCE APPEALS

[Filed October 20, 2017, 1:26 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-18-042.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: Chapter 263-12 WAC, Practice and procedure (before the board of industrial insurance appeals (BIIA)).

Hearing Location(s): On December 5, 2017, at 10:00 a.m., at BIIA, 2430 Chandler Court S.W., Olympia.

Date of Intended Adoption: December 6, 2017.

Submit Written Comments to: David Threedy, P.O. Box 42401, email Dave.Threedy@biiwa.gov, fax 885-586-5611, 360-753-6823 ext. 1126, by November 22, 2017.

Assistance for Persons with Disabilities: Contact Laura Bradley, phone 360-753-6823, fax 885-586-5611, TTY 800-833-6388, email Laura.Bradley@biiwa.gov, web site www.biiwa.gov, by November 22, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: **Communications and filing with the board: WAC 263-12-01501**, this amendment clarifies the language regarding methods of filing. It is intended to reduce the number of duplicate filings when the same document is filed using two or more of the methods listed.

**Copying fees: WAC 263-12-01701**, this is a new section required as a result of recent legislative changes to chapter 42.56 RCW.

**Appeals arising under the Washington Industrial Safety and Health Act; contents of notice of appeal; notice to affected employees; request for stay of abatement pending appeal: WAC 263-12-059**, this amendment clarifies the employer's responsibility of notifying affected parties by posting a copy of the citation and notice or corrective notice of redetermination when posting the notice of appeal.

**Weapons: WAC 263-12-085**, this is a new section that codifies the board's policy regarding weapons in board facilities and proceedings. The rule prohibits weapons, subject to some narrow exceptions.

**Conferences—Notice of conferences: WAC 263-12-090**, this amendment is intended to reduce occasional confusion caused by the notice of telephone conference, which includes a physical location. Sometimes parties will choose to attend in person at the location listed without notifying the judge of their intention to appear in person. Because the conference is telephonic, the judge may not be at the location listed on the notice. This change will remove the requirement that a notice of telephone conference include a location.

**Procedure at hearings: WAC 263-12-115**, this amendment relates to procedures at hearings and the failure to present evidence when due, to include the authority of the industrial appeal judge (IAJ) to hold an employer in "default" and resolve an appeal filed in a WISHA case or a willful misrepresentation case when the appealing party fails to appear at the initial hearing. In these appeals the appealing party is not required to initially introduce evidence in the appeal. Instead the department goes first. However, it is not uncommon for an appealing party to fail to attend the first hearing. While the department may go ahead and present the case, many times the appealing party's case is set for a different day. This amendment would allow the IAJ to resolve the appeal without conducting further hearings and without the department presenting evidence when the appealing party fails to attend the initial hearing.

**Exhibits: WAC 263-12-116**, this amendment supports transition to electronic format by requiring that electronic copies of documents and pictures be submitted in PDF format.

**Perpetuation depositions:** WAC 263-12-117, this amendment adds a provision reflected in a recent board decision that if a party elects not to file a perpetuation deposition, notice must be given to the board and opposing party. The opposing party may request publication if the taking party elects not to request publication. *In re Ann Vanzuyt*, BIIA Dec., 15 18385 (2016).

**Significant decisions:** WAC 263-12-195, this amendment refers to the board's internet site, where the decisions and indices are available, rather than indicating the decisions are stored on microfiche and available to parties at a cost.

Reasons Supporting Proposal: See purpose above.

Statutory Authority for Adoption: RCW 51.52.020.

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

Name of Proponent: BIIA, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: David E. Threedy, Olympia, 360-753-6823.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. These are procedural rules relating to procedures, practices or requirements relating to agency rules. There are no significant legislative rules proposed.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules adopt, amend, or repeal a procedure, practice, or requirement relating to agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.

October 20, 2017

David E. Threedy  
Executive Secretary

AMENDATORY SECTION (Amending WSR 16-24-054, filed 12/2/16, effective 1/2/17)

**WAC 263-12-01501 Communications and filing with the board.** (1) **Where to file communications with the board.** Except as provided elsewhere in this section all written communications shall be filed with the board at its headquarters in Olympia, Washington. With written permission of the industrial appeals judge assigned to an appeal, depositions, witness confirmations, motions (other than motions for stay filed pursuant to RCW 51.52.050), briefs, stipulations, agreements, and general correspondence may be filed in the appropriate regional board facilities located in Tacoma, Spokane, or Seattle.

(2) **Methods of filing.** Unless otherwise provided by statute or these rules any written communication may be filed with the board by using one of four methods: Personally, by mail, by telephone facsimile, or by electronic filing. Failure of a party to comply with the filing methods selected by the party for use under this section, or as otherwise set forth in these rules or statute for filing written communications may prevent consideration of a document.

(a) **Filing personally.** The filing of a written communication with the board personally is accomplished by delivering the written communication to an employee of the board at the board's headquarters in Olympia during customary office hours.

(b) **Filing by mail.** The filing of a written communication with the board is accomplished by mail when the written communication is deposited in the United States mail, properly addressed to the board's headquarters in Olympia and with postage prepaid. Where a statute or rule imposes a time limitation for filing the written communication, the party filing the same should include a certification demonstrating the date filing was perfected as provided under this subsection. Unless evidence is presented to the contrary, the date of the United States postal service postmark shall be presumed to be the date the written communication was mailed to the board.

(c) **Filing by telephone facsimile.**

(i) The filing of a written communication with the board by telephone facsimile is accomplished when a legible copy of the written communication is reproduced on the board's telephone facsimile equipment during the board's customary office hours. All facsimile communications must be filed with the board via fax numbers listed on the board's web site.

(ii) The hours of staffing of the board's telephone facsimile equipment are the board's customary office hours. Documents sent by facsimile communication comments outside of the board's customary office hours will be deemed filed on the board's next business day.

(iii) Any written communication filed with the board by telephone facsimile should be preceded by a cover page identifying the party making the transmission, listing the address, telephone and telephone facsimile number of such party, referencing the appeal to which the written communication relates, and indicating the date of, and the total number of pages included in, such transmission. A separate transmission must be used for each appeal. Transmissions containing more than one docket number will be rejected and filing will not be accomplished, unless the multiple docket numbers have been previously consolidated by the board.

(iv) The party attempting to file a written communication by telephone facsimile bears the risk that the written communication will not be received or legibly printed on the board's telephone facsimile equipment due to error in the operation or failure of the equipment being utilized by either the party or the board.

(v) The board may require a party to file an original of any document previously filed by telephone facsimile.

(d) **Electronic filing.** Electronic filing is accomplished by using the electronic filing link on the board's web site. Communication sent by email will not constitute or accomplish filing. Communication filed using the board's web site outside of the board's customary office hours will be deemed filed on the board's next business day. A separate transmission must be used for each appeal. Transmissions containing more than one docket number will be rejected and filing will not be accomplished, unless the multiple docket numbers have been previously consolidated by the board.

(3) **Electronic filing of a notice of appeal.** A notice of appeal may be filed electronically when using the appropriate form for electronic filing of appeals as provided on the



board's web site. An electronic notice of appeal is filed when it is received by the board's designated computer during the board's customary office hours pursuant to WAC 263-12-015. Appeals received via the board's web site outside of the board's customary office hours will be deemed filed on the board's next business day. The board will issue confirmation to the filing party that an electronic notice of appeal has been received. The board may reject a notice of appeal that fails to comply with the board's filing requirements. The board will notify the filing party of the rejection.

(4) **Electronic filing of application for approval of claim resolution structured settlement agreement.** An application for approval of claim resolution structured settlement agreement must be filed electronically using the form for electronic filing of applications for approval of claim resolution structured settlement agreement as provided on the board's web site. An electronic application for approval of claim resolution structured settlement agreement is filed when received by the board's designated computer during the board's customary office hours pursuant to WAC 263-12-015. Applications received by the board via the board's web site outside of the board's customary office hours will be deemed filed on the board's next business day. The board will issue confirmation to the filing party that an electronic application for approval of claim resolution structured settlement agreement has been received. An electronic copy of the signed agreement for claim resolution structured settlement agreement must be submitted as an attachment to the application for approval. The board will reject an application for approval of claim resolution structured settlement agreement that fails to comply with the board's filing requirements. The board will notify the filing party of the rejection.

(5) **Sending written communication.** All correspondence or written communication filed with the board pertaining to a particular case, before the entry of a proposed decision and order, should be sent to the attention of the industrial appeals judge assigned to the case. Interlocutory appeals should be sent to the attention of the chief industrial appeals judge. In all other instances, written communications shall be directed to the executive secretary of the board.

(6) **Form requirements.** Any written communications with the board concerning an appeal should reference the docket number assigned by the board to the appeal, if known. Copies of any written communications filed with the board shall be furnished to all other parties or their representatives of record, and the original shall demonstrate compliance with this requirement. All written communications with the board shall be on paper 8 1/2" x 11" in size.

#### NEW SECTION

**WAC 263-12-01701 Copying fees—Payments.** (1) The following copying fees and payment procedures apply to requests to the board under chapter 42.56 RCW and received on or after July 23, 2017.

(2) Pursuant to RCW 42.56.120 (2)(b), the board is not calculating all actual costs for copying records because it would be unduly burdensome for the following reasons:

(a) The board does not have the resources to conduct a study to determine all its actual copying costs;

(b) To conduct such a study would interfere with other essential agency functions; and

(c) Through the 2017 legislative process, the public and requestors have commented on and been informed of authorized fees and costs, including for electronic records, provided in RCW 42.56.120 (2)(b) and (c), (3), and (4).

(3) The board will charge for copies of records pursuant to the default fees in RCW 42.56.120 (2)(b) and (c). The board will charge for customized services pursuant to RCW 42.56.120(3). Under RCW 42.56.130, the board may charge other copying fees authorized by statutes outside of chapter 42.56 RCW. The board may enter into an alternative fee agreement with a requestor under RCW 42.56.120(4). The charges for copying methods used by the board are summarized in the fee schedule available on the board's web site at [www.biaa.wa.gov](http://www.biaa.wa.gov).

(4) Requestors are required to pay for copies in advance of receiving records. Fee waivers are an exception and are available for some small requests:

(a) It is within the discretion of the public records officer to waive copying fees when:

(i) All of the records responsive to an entire request are paper copies only and are twenty-five or fewer pages; or

(ii) All of the records responsive to an entire request are electronic and can be provided in a single email with attachments of a size totaling no more than the equivalent of one hundred printed pages. If that email for any reason is not deliverable, records will be provided through another means of delivery, and the requestor will be charged in accordance with this rule.

(b) Fee waivers are not applicable to records provided in installments.

(5) The public records officer may require an advance deposit of ten percent of the estimated fees when the copying fees exceed twenty-five dollars for an installment, an entire request, or customized service charge.

(6) All required fees or deposits must be paid in advance of release of the copies or an installment of copies. The office will notify the requestor of when payment is due.

(7) Payment should be made by check or money order to the board of industrial insurance appeals. The board prefers not to receive cash. For cash payments, it is within the public records officer's discretion to determine the denomination of bills and coins that will be accepted.

AMENDATORY SECTION (Amending WSR 16-24-054, filed 12/2/16, effective 1/2/17)

**WAC 263-12-059 Appeals arising under the Washington Industrial Safety and Health Act; contents of notice of appeal; notice to affected employees; request for stay of abatement pending appeal.** (1) **Contents of notice of appeal in WISHA appeals.** In all appeals arising under the Washington Industrial Safety and Health Act, the notice of appeal should contain where applicable:

(a) The name and address of the appealing party and of the party's representative, if any.

(b) A statement identifying the citation, penalty assessment, or notice of abatement date appealed from. This

requirement may be satisfied by attaching a copy of the citation, penalty assessment, or notice of abatement date.

(c) The name and address of the representative of any labor union representing any employee who was or who may be affected by the alleged safety violation(s). If the employer has no affected employees who are members of a union, the employer shall affirmatively certify that no union employees are affected by the appeal.

(d) The reason why the appealing party considers such order or decision, to be unjust or unlawful.

(e) A statement of facts in full detail in support of each stated reason.

(f) The specific nature and extent of the relief sought.

(g) The place, most convenient to the appealing party and that party's witnesses, where board proceedings are requested to be held.

(h) A statement that the person signing the notice of appeal has read it and that to the best of his or her knowledge the contents are true.

(i) The signature of the appealing party or the party's representative.

In all appeals where a stay of abatement of alleged violation(s) pending appeal is requested, the notice of appeal must comply with additional requirements set forth in subsection (3) of this section.

**(2) Employer duty to notify affected employees.**

(a) In the case of any appeal by an employer concerning an alleged violation of the Washington Industrial Safety and Health Act, the employer shall give notice of such appeal to its employees by either:

(i) Providing copies of the appeal and applicable division of safety and health citation and notice or corrective notice of redetermination to each employee member of the employer's safety committee; or

(ii) By posting a copy of the appeal and applicable division of safety and health citation and notice or corrective notice of redetermination in a conspicuous place at the work site at which the alleged violation occurred. Any posting shall remain during the pendency of the appeal.

(b) The employer shall also provide notice advising interested employees that an appeal has been filed with the board and that any employee or group of employees who wish to participate in the appeal may do so by contacting the board. Such notice shall include the address of the board.

(c) The employer shall file with the board a certificate of proof of compliance with this section within fourteen days of issuance of the board's notice of filing of appeal. A certification form is provided on the board's web site.

(d) If notice as required by this subsection is not possible or has not been satisfied, the employer shall notify the board in writing of the reasons for noncompliance or impossibility. If the board, or its designee, determines that it is not possible for the employer to provide the required notice to employees, it will prescribe the terms and conditions of a substitute procedure reasonably calculated to give notice to affected employees, or may waive the affected-employee-notice requirement. If the employer requests a stay of abatement pending appeal, and desires to assert the claim of impossibility of notice to employees, the employer must include its

claim of impossibility, together with facts showing impossibility, in its notice of appeal.

**(3) Request for a stay of abatement in WISHA appeals.**

(a) **How made.** Any request for stay of abatement pending appeal must be included in the notice of appeal. An employer may request a stay of abatement pending appeal by placing "STAY OF ABATEMENT REQUESTED" prominently on the first page of the notice of appeal in bold print. The board will issue a final decision on such requests within forty-five working days of the board's notice of filing of appeal.

**(b) Union information.**

(i) **Appeals from corrective notice of redetermination.** In appeals where the employer has requested a stay of abatement of the violation(s) alleged in the corrective notice of redetermination, the employer shall include in the notice of appeal the names and addresses of any unions representing workers for the employer as required by subsection (1) of this section. If the employer has no affected employees who are members of a union, the employer shall affirmatively inform the board that no union employees are affected by the appeal.

(ii) **Appeals from citation and notice.** Where an employer files an appeal from a citation and notice and the department of labor and industries chooses to forward the appeal to the board to be treated as an appeal to the board, the employer shall provide the board with the names and addresses of any unions representing workers for the employer as required by subsection (1) of this section. If the employer has no affected employees who are members of a union, the employer shall inform the board that no union employees are affected by the appeal. The employer shall provide this information to the board within fourteen days of the date of the board's notice of filing of appeal.

**(c) Supporting and opposing documents.**

(i) **Supporting documents.** In appeals where the employer has requested a stay of abatement pursuant to RCW 49.17.140, the employer shall, within fourteen calendar days of the date of the board's notice of filing of appeal, file with the board supporting declarations, affidavits, and documents it wishes the board to consider in deciding the request. The employer must also simultaneously provide supporting documents to the department and any affected employees' safety committee or union representative. Supporting affidavits or declarations shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Copies of individual relevant supporting documents shall be specifically referred to in the affidavit and shall be attached to the affidavit. Such supporting documents shall not be excluded from consideration based on a hearsay objection. All such affidavits and supporting documents shall be limited to evidence addressing:

(A) Whether there is good cause to stay the abatement of the violation(s) set forth in the citation and notice or corrective notice of redetermination; and

(B) Whether it is more likely than not that a stay of the abatement of the violation(s) would result in death or serious physical harm to a worker.

(ii) **Opposing documents.** Within twenty-eight calendar days of the date of the board's notice of filing of appeal, the

department of labor and industries and any affected employees shall file with the board any declarations, affidavits, and documents they wish the board to consider in deciding the request. The department must also simultaneously serve these opposing documents on the employer and any affected employees' safety committee or representative. The employees must also simultaneously serve the opposing documents on the employer and the department. Supporting and opposing affidavits and declarations shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Copies of individual relevant supporting documents shall be specifically referred to in the affidavit and shall be attached to the affidavit. Such supporting documents shall not be excluded from consideration based on a hearsay objection. All such affidavits and supporting documents shall be limited to evidence addressing:

(A) Whether there is good cause to stay the abatement of the violation(s) set forth in the citation and notice or corrective notice of redetermination; and

(B) Whether it is more likely than not that a stay of the abatement of the violation(s) would result in death or serious physical harm to a worker.

(4) **Denial of request to stay abatement.** If any of the following procedural or substantive grounds are present, the board will deny the request for a stay of abatement pending appeal:

(a) The request for stay of abatement is not contained in the employer's notice of appeal as required by RCW 49.17.140 (4)(a).

(b) The employer fails to include union information as required in subsection (3)(b) of this section.

(c) The employer fails to timely file a certification that its employees have been notified about the appeal and the request for stay of abatement as required in subsection (2) of this section.

(d) The employer fails to file supporting documents within fourteen calendar days of the issuance of the board's notice of filing of appeal as required in subsection (3)(c)(i) of this section.

(e) The request is moot.

(f) The only violation alleged by the department of labor and industries is a general violation.

(g) The employer fails to show good cause for a stay of abatement in its supporting documents.

(h) The preliminary evidence shows it is more likely than not that a stay would result in death or serious physical harm to a worker.

(5) **Expedited nature of requests to stay abatement/requests to enlarge time.** Requests to stay abatement pending appeal must be decided in accordance with a strict statutory timeline. Oral argument will not be permitted. The board will grant requests to enlarge time to file documents or certifications only after receipt of a written motion with supporting affidavit filed with the board and all other parties before the filing deadline and only upon a showing of good cause.

#### NEW SECTION

**WAC 263-12-085 Weapons.** (1) Firearms and other dangerous weapons are prohibited at all facilities owned, leased, or operated by the board of industrial insurance appeals and in the rooms where the board of industrial insurance appeals is conducting any board-related event.

(a) This prohibition applies to all parties or witnesses at hearings, all board employees, and all other persons present. It does not apply to law enforcement personnel, security personnel, or military personnel, all while engaged in official duties.

(b) As used in this chapter, "firearm and other dangerous weapons" means any device from which a projectile may be fired by an explosive; any simulated firearm operated by gas or compressed air; any electric or other conductive energy device designed to deliver an electronic charge directly or from a missile projectile, except any automatic external defibrillator; sling shot; sand club; metal knuckles; any spring-blade knife; any knife that opens or is ejected by an outward, downward thrust or movement; bow and arrow; crossbow; hunting knife (excluding pocket knives); any explosive device; any object that may reasonably be used to injure or intimidate others; dangerous chemicals, except those chemicals typically used for self-defense; and any other dangerous weapons as defined by chapter 9.41 RCW.

(c) This prohibition does not apply to board employees who have obtained a written exemption from a board member, the chief industrial appeals judge, or the chief of administrative services, which may be issued on a case-by-case basis.

(d) Possession of a valid concealed weapons permit is not a defense to the prohibition in this section.

(e) This prohibition does not apply to lawful firearms or other lawful weapons while confined to private motor vehicles in parking areas at board facilities.

(f) This prohibition does not apply to firearms or other dangerous weapons offered as evidence in a board hearing. However, any party or representative seeking to offer a firearm or dangerous weapon as evidence shall obtain written permission from the hearing judge, in advance of the hearing date, before bringing any such item to the hearing. Any application for permission to offer a firearm or other dangerous weapon shall identify the manner, method, means, and other information explaining how the firearm or weapon will be secured.

(2) Notice that firearms and other dangerous weapons are prohibited shall be posted conspicuously in the waiting area of all board offices and shall be included with every proceeding notice issued by the board.

(3) Any person in possession of a firearm or dangerous weapon at a facility owned, leased, or operated by the board or in rooms being used by the board may be excluded from the facility or room, consistent with the provisions of WAC 263-12-020 (10)(c), and may face any other applicable legal consequences.

AMENDATORY SECTION (Amending WSR 00-23-021, filed 11/7/00, effective 12/8/00)

**WAC 263-12-090 Conferences—Notice of conferences.** Once an appeal has been granted, it shall be assigned to an industrial appeals judge with direction to conduct a settlement conference or a conference to schedule the appeal for hearing. ~~((If a conference is scheduled in a case, it shall be upon written notice to all parties specifying the time and place set for such conference, and such notice))~~ The industrial appeals judge may, in his or her discretion, conduct conferences in person or by telephone conference call. In-person conferences shall be scheduled upon written notice to all parties specifying the date, time and place set for such conference. Telephone conferences shall be scheduled upon written notice to all parties specifying the date and time for such conference, and that such conference shall be conducted by telephone. Notice of conferences, whether in person or by telephone, shall be mailed not less than seven days prior to the date of the conference, unless such notice is waived by all parties. The industrial appeals judge assigned to conduct hearings in an appeal or his or her designee shall conduct the conference at which hearings are scheduled.

AMENDATORY SECTION (Amending WSR 14-24-105, filed 12/2/14, effective 1/2/15)

**WAC 263-12-115 Procedures at hearings. (1) Industrial appeals judge.** All hearings shall be conducted by an industrial appeals judge who shall conduct the hearing in an orderly manner and rule on all procedural matters, objections and motions.

**(2) Order of presentation of evidence.**

(a) In any appeal under either the Industrial Insurance Act, the Worker and Community Right to Know Act, or the Crime Victims Compensation Act, the appealing party shall initially introduce all evidence in his or her case-in-chief except that in an appeal from an order of the department that alleges fraud or willful misrepresentation the department or self-insured employer shall initially introduce all evidence in its case-in-chief.

(b) In all appeals subject to the provisions of the Washington Industrial Safety and Health Act, the department shall initially introduce all evidence in its case-in-chief.

(c) After the party with the initial burden has presented his or her case-in-chief, the other parties may then introduce the evidence necessary to their cases-in-chief. In the event there is more than one other party, they may either present their cases-in-chief successively or may join in their presentation. Rebuttal evidence shall be received in the same order. Witnesses may be called out of turn in contravention of this rule only by agreement of all parties.

**(3) Objections and motions to strike.** Objections to the admission or exclusion of evidence shall be in short form, stating the legal grounds of objection relied upon. Extended argument or debate shall not be permitted.

**(4) Rulings.** The industrial appeals judge on objection or on his or her own motion shall exclude all irrelevant or unduly repetitious evidence and statements that are inadmissible pursuant to WAC 263-12-095(5). All rulings upon objections to the admissibility of evidence shall be made in

accordance with rules of evidence applicable in the superior courts of this state.

**(5) Interlocutory appeals to the board - Confidentiality of trade secrets.** A direct appeal to the board shall be allowed as a matter of right from any ruling of an industrial appeals judge adverse to the employer concerning the confidentiality of trade secrets in appeals under the Washington Industrial Safety and Health Act.

**(6) Interlocutory review by a chief industrial appeals judge.**

(a) Except as provided in subsection (5) of this section interlocutory rulings of the industrial appeals judge are not subject to direct review by the board. A party to an appeal or a witness who has made a motion to quash a subpoena to appear at board related proceedings, may within five working days of receiving an adverse ruling from an industrial appeals judge request a review by a chief industrial appeals judge or his or her designee. Such request for review shall be in writing and shall be accompanied by an affidavit in support of the request and setting forth the grounds for the request, including the reasons for the necessity of an immediate review during the course of conference or hearing proceedings. Within ten working days of receipt of the written request, the chief industrial appeals judge, or designee, may decline to review the ruling based upon the written request and supporting affidavit; or, after such review as he or she deems appropriate, may either affirm or reverse the ruling, or refer the matter to the industrial appeals judge for further consideration.

(b) Failure to request review of an interlocutory ruling shall not constitute a waiver of the party's objection, nor shall an unfavorable response to the request preclude a party from subsequently renewing the objection whenever appropriate.

(c) No conference or hearing shall be interrupted for the purpose of filing a request for review of the industrial appeals judge's rulings; nor shall any scheduled proceedings be canceled pending a response to the request.

**(7) Recessed hearings.** Where, for good cause, all parties to an appeal are unable to present all their evidence at the time and place originally set for hearing, the industrial appeals judge may recess the hearing to the same or a different location so as to insure that all parties have reasonable opportunity to present their respective cases. No written "notice of hearing" shall be required as to any recessed hearing.

**(8) Failure to present evidence when due.**

(a) If any party is due to present certain evidence at a hearing or recessed hearing and, for any reason on its part, fails to appear and present such evidence, the industrial appeals judge may conclude the hearing and issue a proposed decision and order on the record, or recess or set over the proceedings for further hearing for the receipt of such evidence.

(b) In cases concerning Washington Industrial Safety and Health Act citations, a failure to appear by the person and/or party who filed the appeal is deemed to be an admission of the validity of any citation, abatement period, or penalty issued or proposed, and constitutes a waiver of all rights except the right to receive a copy of the decision.

(c) In cases concerning willful misrepresentation, the industrial appeals judge may proceed with the hearing.

receive evidence, and issue a proposed decision and order without requirement of further notice to the appealing party who fails to appear.

(9) **Offers of proof in colloquy.** When an objection to a question is sustained an offer of proof in question and answer form shall be permitted unless the question is clearly objectionable on any theory of the case.

(10) **Telephone testimony.** At hearings, the parties may present the testimony of witnesses by telephone if agreed to by all parties and approved by the industrial appeals judge. For good cause the industrial appeals judge may authorize telephone testimony over the objection of a party after weighing the following nonexclusive factors:

- The need to weigh a witness's demeanor or credibility.
- Difficulty in handling documents and exhibits.
- The number of parties participating in the hearing.
- Whether any of the testimony will need to be translated.
- Ability of the witness to travel.
- Feasibility of taking a perpetuation deposition.
- Availability of quality telecommunications equipment and service.

When telephone testimony is permitted, the industrial appeals judge presiding at the hearing will swear in the witness testifying by phone as if the witness appeared live at the hearing. For rules relating to telephone deposition testimony, see WAC 263-12-117.

**AMENDATORY SECTION** (Amending WSR 16-24-054, filed 12/2/16, effective 1/2/17)

**WAC 263-12-116 Exhibits.** (1) ~~((Whenever possible,))~~ Tangible exhibits ~~((should))~~ shall be submitted on paper 8 1/2" x 11" in size. A larger version may be shown to the judge or witness for purpose of demonstration and a smaller version marked and offered as the exhibit.

(2) Electronic exhibits containing documents, pictures, audio, video, or other electronic material may be submitted on a CD, DVD, flash drive, or similar device, subject to the following conditions:

(a) The party seeking to present the audio/video/electronic material at a hearing must provide the appropriate equipment for hearing/viewing the material.

(b) If the party submitting the material for presentation at a hearing does not provide the equipment needed, the material will not be heard or viewed during the hearing, but the exhibit may be marked into evidence and ruling reserved.

(c) A media exhibit must be in MP4 (MPEG-4 Part 14) format or other industry format specified on the BIIA web site.

(d) Documents and pictures must be submitted in a pdf format.

(3) The board will not accept any hazardous exhibit. A hazardous exhibit is an exhibit that:

(a) Threatens the health and safety of persons handling the exhibit, including exhibits having potentially toxic, explosive, or disease-carrying characteristics.

(b) Threatens the security of the board's electronic equipment or network. Nonexclusive examples of hazardous exhibits include:

- Biohazards (bodily fluid samples, bloody clothing).

- Used medical implements or devices (surgical screws, cables, plates, pins, prosthetic devices).
- Corrosive or toxic substances.
- Controlled substances (prescription drugs).
- Potential airborne contaminants (asbestos, silica).
- Flammable, explosive, or reactive materials.
- Live ammunition, firearms, knives, and other weapons.

(4) Photographs, videotapes, or other facsimile representations may be used to demonstrate the existence, quantity, and physical characteristics of hazardous evidence consistent with this rule.

(5) If a party is uncertain whether a proposed exhibit conforms to this rule or is not able to bring the necessary equipment to the hearing, that party must request a conference with the judge at least fourteen days before submitting the exhibit, asking the judge to make a determination of conformity or to provide assistance in making the exhibit accessible at the proceeding.

(6) If an exhibit submitted in an appeal under the Washington Industrial Safety and Health Act (chapter 49.17 RCW) implicates a trade secret as set forth in chapter 19.108 RCW, the employer must bring it to the attention of an industrial appeals judge at the time of submission or within a reasonable time thereafter to permit a ruling on the confidentiality of the information and application of RCW 49.17.200 and WAC 263-12-115(5).

**AMENDATORY SECTION** (Amending WSR 16-24-054, filed 12/2/16, effective 1/2/17)

**WAC 263-12-117 Perpetuation depositions.** (1) **Evidence by deposition.** The industrial appeals judge may permit or require the perpetuation of testimony by deposition, subject to the applicable provisions of WAC 263-12-115. Such ruling may only be given after the industrial appeals judge gives due consideration to:

- (a) The complexity of the issues raised by the appeal;
- (b) The desirability of having the witness's testimony presented at a hearing;
- (c) The costs incurred by the parties in complying with the ruling; and
- (d) The fairness to the parties in complying with the ruling.

(2) **Telephone depositions:** When testimony is taken by perpetuation deposition, it may be taken by telephone if all parties agree. For good cause the industrial appeals judge may permit the parties to take the testimony of a witness by telephone deposition over the objection of a party after weighing the following nonexclusive factors:

- The need of a party to observe a witness's demeanor.
- Difficulty in handling documents and exhibits.
- The number of parties participating in the deposition.
- Whether any of the testimony will need to be translated.
- Ability of the witness to travel.
- Availability of quality telecommunications equipment and service.

If a perpetuation deposition is taken by telephone, the court reporter transcribing the deposition is authorized to swear in the deponent, regardless of the deponent's location within or outside the state of Washington.

(3) The industrial appeals judge may require that depositions be taken and published within prescribed time limits. The time limits may be extended by the industrial appeals judge for good cause. Each party shall bear its own costs except when the industrial appeals judge allocates costs to parties or their representatives. If a party takes a deposition under this section, but elects not to file the deposition as evidence in the appeal, the party shall provide written notice to the assigned industrial appeals judge and all other parties prior to the deposition filing deadline.

(4) The party filing a deposition must submit the stenographically reported and transcribed deposition, certification, and exhibits in both a written format and an electronic format in accordance with procedures established by the board. The following requirements apply to the submission of depositions:

(a) Video depositions will not be considered as part of the record on appeal;

(b) The electronic deposition must be submitted in searchable ((PDF)) pdf format;

(c) Exhibits to the deposition must be filed electronically as a single attachment separate from the deposition transcript and certification;

(d) A legible paper copy of all exhibits must accompany the paper deposition transcript;

(e) Any media exhibit (audio or video) must meet the requirements set forth in WAC 263-12-116; and

(f) If the deposition is not transcribed in a reproducible format or properly submitted it may be excluded from the record.

(5) **Procedure at deposition.** Unless the parties stipulate or the industrial appeals judge determines otherwise all depositions permitted to be taken for the perpetuation of testimony shall be taken subject to the following conditions:

(a) That all motions and objections, whether to form or otherwise, shall be raised at the time of the deposition and if not raised at such time shall be deemed waived.

(b) That all exhibits shall be marked and identified at the time of the deposition and, if offered into evidence, appended to the deposition.

(c) That the deposition be published without necessity of further conference or hearing at the time it is received by the industrial appeals judge.

(d) That all motions, including offers to admit exhibits and objections raised at the time of the deposition, shall be ruled upon by the industrial appeals judge in the proposed decision and order.

(e) That the deposition may be appended to the record as part of the transcript, and not as an exhibit, without the necessity of being retyped into the record.

AMENDATORY SECTION (Amending WSR 91-13-038, filed 6/14/91, effective 7/15/91)

**WAC 263-12-195 Significant decisions.** (1) The board's publication "*Significant Decisions*," prepared pursuant to RCW 51.52.160, contains the decisions or orders of the board which it considers to have an analysis or decision of substantial importance to the board in carrying out its duties. Together with the indices of decision maintained pursuant to

WAC 263-12-016(4), "*Significant Decisions*" shall serve as the index required by RCW 42.17.260 (4)(b) and (c).

(2) The board selects the decisions or orders to be included in "*Significant Decisions*" based on recommendations from staff and the public. Generally, a decision or order is considered "significant" only if it provides a legal analysis or interpretation not found in existing case law, or applies settled law to unusual facts. Decisions or orders may be included which demonstrate the application of a settled legal principle to varying fact situations or which reflect the further development of, or continued adherence to, a legal principle previously recognized by the board. Nominations of decisions or orders for inclusion in "*Significant Decisions*" should be submitted in writing to the executive secretary.

(3) "*Significant Decisions*" consists of (~~microfilmed copies of the~~) decisions and orders identified as significant and headnotes summarizing the proposition or propositions for which the board considers the decisions or orders "significant." Indices are also provided to identify each decision or order by name and by subject. (~~Permanent revisions and additions to "*Significant Decisions*" are prepared annually. A cumulative supplement is prepared annually between permanent updates and is provided to subscribers of "*Significant Decisions*." The cumulative supplement contains decisions or orders identified by the board as "significant" in the interim between permanent updates.~~)

(4) (~~Copies of~~) "*Significant Decisions*" and (~~permanent updates are available to the public at cost. Requests for information concerning the purchase of "*Significant Decisions*" should be directed to the executive secretary~~) indices may be accessed at the board's web site, [www.biaa.wa.gov](http://www.biaa.wa.gov).

## WSR 17-22-029

### PROPOSED RULES

#### HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed October 24, 2017, 8:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-18-010.

Title of Rule and Other Identifying Information: Amends WAC 182-550-2301 Hospital and medical criteria requirements for bariatric surgery.

Hearing Location(s): On December 5, 2017, at 10:00 a.m., at the Health Care Authority (HCA), Cherry Street Plaza Building, Pear Room 107, 626 8th Avenue, Olympia, WA 98504. Metered public parking is available street side around building. A map is available at [www.hca.wa.gov/documents/directions\\_to\\_csp.pdf](http://www.hca.wa.gov/documents/directions_to_csp.pdf) or directions can be obtained by calling 360-725-1000.

Date of Intended Adoption: Not sooner than December 6, 2017.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email [arc@hca.wa.gov](mailto:arc@hca.wa.gov), fax 360-586-9727, by December 5, 2017, 5:00 p.m.

Assistance for Persons with Disabilities: Contact Amber Loughheed, phone 360-725-1349, fax 360-586-9727, TTY

800-848-5429 or 711, email [amber.lougheed@hca.wa.gov](mailto:amber.lougheed@hca.wa.gov), by December 1, 2017.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The agency has revised the requirements a hospital must meet to perform and be paid for bariatric surgery provided to eligible apple health clients. To qualify, a hospital must be accredited by the metabolic and bariatric surgery accreditation and quality improvement program.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Vance Taylor, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1344; Implementation and Enforcement: Tonja Nichols, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1658.

A school district fiscal impact statement is not required under RCW 28A.305.135.

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

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: This rule does not affect small businesses. The businesses affected by this amendment are hospitals. Hospitals do not meet the definition of a small business.

October 24, 2017

Wendy Barcus  
Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 15-18-065, filed 8/27/15, effective 9/27/15)

**WAC 182-550-2301 Hospital and medical criteria requirements for bariatric surgery.** (1) The medicaid agency pays a hospital for bariatric surgery and bariatric surgery-related services only when the surgery is provided in an inpatient hospital setting and only when:

(a) The client:

(i) Qualifies for bariatric surgery by successfully completing all requirements under WAC 182-531-1600; and

~~((b) The client))~~ (ii) Continues to meet the criteria to qualify for bariatric surgery under WAC 182-531-1600 up to the actual surgery date;

~~(c) The hospital providing the bariatric surgery and bariatric surgery-related services meets the requirements in this section and other applicable WAC; and~~

~~(d))~~.

(b) The hospital;

(i) Is accredited by the metabolic and bariatric surgery accreditation and quality improvement program (MBSA-QIP); and

(ii) Receives prior authorization from the agency before performing a bariatric surgery for a Washington apple health client.

~~(2) ((A hospital must meet the following requirements to be paid for bariatric surgery and bariatric surgery-related services provided to an eligible Washington apple health client. The hospital must:~~

~~(a) Be approved by the agency to provide bariatric surgery and bariatric surgery-related services and:~~

~~(i) For dates of admission after June 30, 2007, be located in Washington state or approved bordering cities (see WAC 182-501-0175).~~

~~(ii) For dates of admission after June 30, 2007, be located in Washington state, or be an agency designated critical border hospital.~~

~~(b) Have an established bariatric surgery program in operation under which at least one hundred bariatric surgery procedures have been performed. The program must have been in operation for at least five years and be under the direction of an experienced board-certified surgeon. In addition, the agency requires the bariatric surgery program to:~~

~~(i) Have a mortality rate of two percent or less;~~

~~(ii) Have a morbidity rate of fifteen percent or less;~~

~~(iii) Document patient follow-up for at least five years postsurgery;~~

~~(iv) Have an average loss of at least fifty percent of excess body weight achieved by patients at five years post-surgery; and~~

~~(v) Have a reoperation or revision rate of five percent or less.~~

~~(c) Submit documents to the agency's division of health care services that verify the performance requirements listed in this section.~~

~~(3) The agency waives the program requirements listed in subsection (2)(b) of this section if the hospital participates in a statewide bariatric surgery quality assurance program such as the surgical Clinical Outcomes Assessment Program (COAP).~~

~~(4)) See WAC 182-531-1600(13) for requirements for surgeons who perform bariatric surgery.~~

~~((5))~~ (3) Authorization does not guarantee payment. Authorization for bariatric surgery and bariatric surgery-related services is valid only if:

(a) The client is eligible on the date of admission and date of service; and

(b) The hospital and professional providers meet the criteria in this section and other applicable WAC to perform bariatric surgery or to provide bariatric surgery-related services.

**WSR 17-22-032**

**PROPOSED RULES**

**DEPARTMENT OF HEALTH**

[Filed October 24, 2017, 8:47 a.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: Radiation protection—Air emissions: WAC 246-247-010 Applicability, 246-247-020 Exemptions, 246-247-030 Definitions, abbreviations, and acronyms, 246-247-040 General standards, 246-247-045 Where to find technical references, 246-247-060 Applications, registration and licensing, 246-247-080 Inspections, reporting, and recordkeeping, 246-247-085 Compliance determination for existing emission units and facilities, 246-247-100 Enforcement actions and 246-247-120 Appendix B - BARCT compliance demonstration; the department of health (department) is proposing to clarify rule language and make technical and editorial changes.

Hearing Location(s): On December 5, 2017, at 10:30 a.m., at the Department of Health, Town Center 2, Room 145, 111 Israel Road S.E., Tumwater, WA 98501. Directions <http://www.doh.wa.gov/AboutUs/BusinessHoursandLocations/TumwaterTownCenter>.

Date of Intended Adoption: December 8, 2017.

Submit Written Comments to: Michelle K. Austin, Rules Manager, P.O. Box 47820, Olympia, WA 98504-7820, email <https://fortress.wa.gov/doh/policyreview>, <http://www.doh.wa.gov/CommunityandEnvironment/Radiation/RuleMakingActivities>, by December 5, 2017.

Assistance for Persons with Disabilities: Contact Michelle K. Austin, phone 360-236-3250, TTY 360-833-6388 or 711, email [michelle.austin@doh.wa.gov](mailto:michelle.austin@doh.wa.gov), by November 28, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This exception rule making proposes several changes throughout chapter 246-247 WAC, Radiation protection—Air emissions. The proposed changes incorporate 40 C.F.R. 61, subparts H and I, by reference, without material change, which was inadvertently deleted during a rule making in 2012, makes technical and editorial corrections, such as updating addresses, phone numbers, names, corrections to references, publication dates, repeals WAC 246-247-045 which references a national publication that was discontinued, and clarifies rule language by removing the phrase "and/or" in several sections.

Reasons Supporting Proposal: RCW 70.98.050 identifies the department as the state radiation control agency with the responsibility to adopt rules for the control of sources of ionizing radiation. The intent of RCW 70.98.050 is to safely regulate the possession and use of radioactive material within the state of Washington. RCW 70.98.080 grants the department licensing authority for sources of ionizing radiation. The rule revision will allow the department to seek full delegation of the National Emissions Standards for Hazardous Air Pollutants for radionuclide air emissions from the Environmental Protection Agency (EPA). Department staff will inform partners at EPA and the department of ecology about the rule revision.

Statutory Authority for Adoption: RCW 70.98.050 and 70.98.080.

Statute Being Implemented: RCW 70.98.050 and 70.98.080.

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

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: John Martell, 309 Bradley Boulevard, Suite 201, Richland, WA 99352, 509-946-3798.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The agency did not complete a cost-benefit analysis under RCW 34.05.328. RCW 34.05.328 (5)(b)(iv) exempts rules that only correct typographical errors, make address or name changes or clarify the language of a rule without changing its effect.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; and rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

October 20, 2017  
Clark Halvorson  
Assistant Secretary

**AMENDATORY SECTION** (Amending WSR 04-18-094, filed 9/1/04, effective 10/2/04)

**WAC 246-247-010 Applicability.** (1) The standards and requirements of this chapter apply statewide at the following types of facilities that emit radionuclides to the air:

- (a) Facilities licensed by the department or by the United States Nuclear Regulatory Commission (NRC);
- (b) United States Department of Energy (DOE) facilities;
- (c) Non-DOE federal facilities;
- (d) Uranium fuel cycle facilities;
- (e) Uranium mills that are processing material; and
- (f) Any other facility that the department determines emits or has the potential to emit radionuclides to the ambient air.

(2) The standards and requirements of this chapter apply to point sources, nonpoint sources, and fugitive emissions.

(3) The standards and requirements of this chapter apply to stationary and mobile emission units, whether temporary or permanent.

(4) The control technology standards and requirements of this chapter apply to the abatement technology and indication devices of facilities and emission units subject to this chapter. Control technology requirements apply from entry



of radionuclides into the ventilated vapor space to the point of release to the environment.

(5) In accordance with RCW 70.94.161(10), air operating permits issued under chapter 173-401 WAC shall incorporate all applicable requirements of this chapter. Therefore, all facilities listed in subsection (1) of this section that are also subject to the operating permit regulations in chapter 173-401 WAC shall be considered in compliance with the requirements of this chapter if they comply with all the applicable requirements of the air operating permit issued under chapter 173-401 WAC. These applicable requirements shall be contained in the radioactive air emissions license which shall be incorporated as part of the air operating permit. In accordance with RCW 70.94.422(1), the department shall enforce all the requirements contained in the radioactive air emissions license.

(6) Should any of the federal regulations that have been adopted by reference in this chapter be rescinded, the affected facilities shall nonetheless comply with all other applicable requirements of this chapter.

(7) An applicant may ~~((obtain a copy of))~~ view any document referenced in this chapter by contacting the department's ~~((division))~~ office of radiation protection, radioactive air emissions ~~((and defense wastes))~~ section at ~~((360) 236-3260)~~ 509-946-0363. Mail reports, applications, and other written correspondence to the Radioactive Air Emissions ((and Defense Wastes)) Section at ((7171 Cleanwater Lane, Building 5, P.O. Box 47827, Olympia, Washington, 98504-7827)) 309 Bradley Boulevard, Suite 201, Richland, Washington, 99352. An applicant may send reports, applications, and other written correspondence to AIRRichland@doh.wa.gov.

AMENDATORY SECTION (Amending WSR 94-07-010, filed 3/4/94, effective 4/4/94)

**WAC 246-247-020 Exemptions.** (1) The following types of facilities or sources of radiation are exempt from the requirements of this chapter because they release no airborne radioactivity, or they prima facie comply with the standards in WAC 246-247-040, or they are already adequately regulated under other requirements:

- (a) Users of only sealed sources;
- (b) Sealed sources;
- (c) Accelerators less than 200 MeV;
- (d) Nuclear-powered vessels underway or moored dockside unless under a maintenance condition with a potential-to-emit;

(e) Uranium mill tailings piles disposed of under 40 C.F.R. Part 192 (effective July 1, 2017).

(2) Exemption determinations.

(a) Any exemptions shall be consistent with 40 C.F.R. 61. No exemptions from the standards in WAC 246-247-040 will be granted.

(b) A nonfederal facility may request exemption from some of the requirements of WAC 246-247-060 and 246-247-075 if the potential-to-emit, for the emission unit(s) under consideration, results in compliance at level I of the COMPLY computer code or level I of the NCRP's Commentary No. 3, or equivalent as approved by the department.

(c) A federal facility may request exemption from some of the requirements of WAC 246-247-060 and 246-247-075 if the potential-to-emit, for the emission unit(s) under consideration, results in a TEDE to the MEI from all pathways less than 0.1 mrem/yr.

(d) The facility shall submit all the data necessary to make the exemption determinations of (b) and (c) of this subsection. The department shall determine if any exemptions apply.

(e) Commercial nuclear power plants may request exemption from some of the requirements of this chapter in order to minimize dual regulation with the NRC.

(3) The department may require a facility with exempt emission units to submit a radioactive air emissions report to confirm compliance with applicable standards. The department reserves the right to conduct inspections and audits of the facility to confirm the status of its exempt emission units.

(4) Naturally occurring airborne radionuclides are exempt from the requirements of this chapter unless the concentrations or rates of emissions have been enhanced by industrial processes.

AMENDATORY SECTION (Amending WSR 14-11-012, filed 5/8/14, effective 6/8/14)

**WAC 246-247-030 Definitions, abbreviations, and acronyms.** ~~((Terms used in this chapter have the definitions set forth below with reference to radioactive air emissions.))~~ The definitions, abbreviations, and acronyms in this section and WAC 246-220-010, apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Abatement technology" means any mechanism, process or method that has the potential to reduce public exposure to radioactive air emissions. Abatement control features include automatic mechanisms and administrative controls used in the operation and control of abatement technology from entry of radionuclides into the ventilated vapor space to release to the environment.

(2) "Administrative control" means any policy or procedure that limits the emission of radionuclides.

(3) "ALARA" means as low as reasonably achievable making every reasonable effort to maintain exposures to radiation as far below the dose standards in this chapter as is practical, consistent with the purpose for which the licensed activity is undertaken, taking into account the state of technology, the economics of improvements in relation to the state of technology, the economics of improvements in relation to benefits to the public health and safety, and other socioeconomic considerations, and in relation to the utilization of nuclear energy, ionizing radiation, and radioactive materials in the public interest. See WAC 246-220-007.

(4) "As low as reasonably achievable control technology" (ALARACT) means the use of radionuclide emission control technology that achieves emission levels that are consistent with the philosophy of ALARA. ALARACT compliance is demonstrated by evaluating the existing control system and proposed nonsignificant modifications in relation to applicable technology standards and other control technologies operated successfully in similar applications. In no event shall application of ALARACT result in emissions of radio-

nuclides that could cause exceedance of the applicable standards of WAC 246-247-040. See the definition of ALARA in this section. Note that ALARACT is equivalent to, but replaces, RACT in the May 7, 1986, version of chapter 173-480 WAC.

(5) "Annual possession quantity" means the sum of the quantity of a radionuclide on hand at the beginning of the calendar year and the quantity of that radionuclide received or produced during the calendar year.

(6) "Best available radionuclide control technology" (BARCT) means technology that will result in a radionuclide emission limitation based on the maximum degree of reduction for radionuclides from any proposed newly constructed or significantly modified emission units that the licensing authority determines is achievable on a case-by-case basis. A BARCT compliance demonstration must consider energy, environmental, and economic impacts, and other costs through examination of production processes, and available methods, systems, and techniques for the control of radionuclide emissions. A BARCT compliance demonstration is the conclusion of an evaluative process that results in the selection of the most effective control technology from all known feasible alternatives. In no event shall application of BARCT result in emissions of radionuclides that could exceed the applicable standards of WAC 246-247-040. Control technology that meets BARCT requirements also meets ALARACT requirements. See WAC 173-480-030 and 246-247-120.

(7) "Committed effective dose equivalent" (CEDE) means the sum of the products of absorbed dose from internally deposited radionuclides and appropriate factors to account for differences in biological effectiveness due to the quality of radiation and its distribution in the body of reference man over a fifty-year period.

(8) "Construction" means fabrication, erection, or installation of a new building, structure, plant, process, or operation within a facility that has the potential to emit airborne radionuclides. Construction includes activities of a permanent nature aimed at completion of the emission unit, such as pouring concrete, putting in a foundation, or installing utilities directly related to the emission unit. It does not include preliminary activities such as tests to determine site suitability, equipment procurement and storage, site clearing and grading, and the construction of ancillary buildings.

(9) "Decommissioning" means actions taken to reduce or eliminate the potential public health and safety impacts of a building, structure, or plant that has permanently ceased operations, including, but not limited to, actions such as decontamination, demolition, and disposition.

(10) "Emission unit" means any single location that emits or has the potential to emit airborne radioactive material. This may be a point source, nonpoint source, or source of fugitive emissions.

(11) "Facility" means all buildings, structures, plants, processes, and operations on one contiguous site under control of the same owner or operator.

(12) "Fugitive emissions" are radioactive air emissions which do not and could not reasonably pass through a stack, vent, or other functionally equivalent structure, and which are not feasible to directly measure and quantify.

(13) "Indication device" means any method or apparatus used to monitor, or to enable monitoring, the operation of abatement controls or the potential or actual radioactive air emissions.

(14) "License" means a radioactive air emissions license issued by the department with requirements and limitations listed therein. Compliance with the license requirements are determined and enforced by the department. The license will be incorporated as an applicable requirement in the air operating permit issued by the department of ecology or a local air pollution control authority when the department of ecology or a local air pollution control authority issues an air operating permit.

(15) "Maximally exposed individual" (MEI) means any member of the public (real or hypothetical) who abides or resides in an unrestricted area, and may receive the highest TEDE from the emission unit(s) under consideration, taking into account all exposure pathways affected by the radioactive air emissions.

(16) "Modification" means any physical change in, or change in the method of operation of, an emission unit that could increase the amount of radioactive materials emitted or may result in the emission of any radionuclide not previously emitted. This definition includes the cleanup of land contaminated with radioactive material, the decommissioning of buildings, structures, or plants where radioactive contamination exists, and changes that will cause an increase in the emission unit's operating design capacity. This definition excludes routine maintenance, routine repair, replacement-in-kind, any increases in the production rate or hours of operation, provided the emission unit does not exceed the release quantities specified in the license application or the operating design capacity approved by the department, addition of abatement technology as long as it is not less environmentally beneficial than existing, approved controls, and changes that result in an increase in the quantity of emissions of an existing radionuclide that will be offset by an equal or greater decrease in the quantity of emissions of another radionuclide that is deemed at least as hazardous with regard to its TEDE to the MEI.

(17) "Monitoring" means the measurement of radioactive material released to the ambient air by means of an in-line radiation detector, ~~((and/or))~~ or by the withdrawal of representative samples from the effluent stream. Ambient air measurements may be acceptable for nonpoint sources and fugitive emissions.

(18) "Nonpoint source" is a location at which radioactive air emissions originate from an area, such as contaminated ground above a near-surface waste disposal unit, whose extent may or may not be well-defined.

(19) "Notice of construction" (NOC) is an application submitted to the department by an applicant that contains information required by WAC 246-247-060 for proposed construction or modification of a registered emission unit(s), or for modification of an existing, unregistered emission unit(s).

(20) "Point source" is a discrete, well-defined location from which radioactive air emissions originate, such as a stack, vent, or other functionally equivalent structure.

(21) "Potential-to-emit" means the rate of release of radionuclides from an emission unit based on the actual or potential discharge of the effluent stream that would result if all abatement control equipment did not exist, but operations are otherwise normal. Determine the potential-to-emit by one of the following methods:

(a) Multiply the annual possession quantity of each radionuclide by the release fraction for that radionuclide, depending on its physical state. Use the following release fractions:

- (i) 1 for gases;
- (ii)  $10^{-3}$  for liquids or particulate solids; and
- (iii)  $10^{-6}$  for solids.

Determine the physical state for each radionuclide by considering its chemical form and the highest temperature to which it is subjected. Use a release fraction of one if the radionuclide is subjected to temperatures at or above its boiling point; use a release fraction of  $10^{-3}$  if the radionuclide is subjected to temperatures at or above its melting point, but below its boiling point. If the chemical form is not known, use a release fraction of one for any radionuclide that is heated to a temperature of one hundred degrees Celsius or more, boils at a temperature of one hundred degrees Celsius or less, or is intentionally dispersed into the environment. Other release fractions may be used only with the department's approval; or

(b) Perform a back-calculation using measured emission rates and *in situ* measurements of the control equipment efficiencies, as approved by the department; or

(c) Measure the quantities of radionuclides captured in each control device, coupled with *in situ* measurements of the control equipment efficiencies, as approved by the department; or

(d) Sample the effluent upstream from all control devices, as approved by the department; or

(e) Use an alternative method approved by the department.

(22) "Replacement-in-kind" means the substitution of existing systems, equipment, components, or devices of an emission unit's control technology with systems, equipment, components, or devices with equivalent, or better, performance specifications that will perform the same function(s).

(23) "Routine" means:

(a) Maintenance, repair, or replacement-in-kind performed on systems, equipment, components, or devices of an emission unit's abatement technology as a planned part of an established inspection, maintenance, or quality assurance program that does not increase the emission unit's operating design capacity; or

(b) Normal, day-to-day operations of a facility.

(24) "Sealed source" means radioactive material that is permanently bonded or fixed in a capsule or matrix, or radioactive material in airtight containers, designed to prevent release and dispersal of the radioactive material under the most severe conditions encountered in normal use and handling.

(25) "Significant" means the potential-to-emit airborne radioactivity at a rate that could increase the TEDE to the MEI by at least 1.0 mrem/yr as a result of a proposed modification.

(26) "Total effective dose equivalent" (TEDE) means the sum of the dose equivalent due to external exposures and the CEDE due to internal exposures.

(27) "Uranium fuel cycle" means the operations of milling uranium ore, chemical conversion of uranium, isotopic enrichment of uranium, fabrication of uranium fuel, generation of electricity in a nuclear power plant that uses uranium fuel, and reprocessing of spent uranium fuel, to the extent that these operations solely support the production of electrical power for public use. Excluded are mining operations, waste disposal sites, transportation of any radioactive material, and the reuse of recovered nonuranium special nuclear and by-product materials from the cycle.

AMENDATORY SECTION (Amending WSR 04-18-094, filed 9/1/04, effective 10/2/04)

**WAC 246-247-040 General standards.** (1) Standards for radioactive air emissions in the state of Washington are contained in WAC 173-480-040, 173-480-050, and 173-480-060. Additional standards for emissions of radionuclides other than radon from United States Department of Energy facilities and for radionuclide emissions from federal facilities other than United States Nuclear Regulatory Commission (NRC) licensees are contained in 40 C.F.R. Part 61, subparts H and I (~~((as effective on October 9, 2002))~~). Additional standards for NRC licensees are contained in 10 C.F.R. 20.1101 (~~((as))~~ effective (~~(on January 9, 1997))~~ August 24, 1998). In accordance with WAC 173-480-050(~~((3))~~) (2), the department shall enforce the most stringent standard in effect, notwithstanding any agreement between EPA and any other agency, including those agreements made pursuant to 42 U.S.C. 7412(d)(9).

(2) In addition to the radioactive air emission standards of subsection (1) of this section, the department's radioactive materials licensees shall comply with the limitations on radioactive air emissions contained in WAC 246-221-070.

(3) All new construction and significant modifications of emission units commenced after August 10, 1988 (the date this chapter originally became effective) shall utilize BARCT (see Appendix B).

(4) All existing emission units and nonsignificant modifications shall utilize ALARACT (see Appendix C).

(5) In order to implement these standards, the department may set limits on emission rates for specific radionuclides from specific emission units (~~(and/or)~~) and set requirements and limitations on the operation of the emission unit(s) as specified in a license.

(6) All emissions of radionuclides, including those due to emergency conditions resulting from startup, shutdown, maintenance activities, or process upsets are subject to the standards of this section and, therefore, subject to the enforcement actions of WAC 246-247-100.

AMENDATORY SECTION (Amending WSR 94-07-010, filed 3/4/94, effective 4/4/94)

**WAC 246-247-060 Applications, registration and licensing.** This section describes the information requirements for approval to construct, modify, and operate an emission unit. Any notice of construction (NOC) requires the sub-

mittal of the information listed in Appendix A. Complex projects may require additional information. The applicant should contact the department early in the conceptual design phase for guidance on applicable control technologies to consider.

Appendices B and C outline the procedures to demonstrate compliance with the BARCT and ALARACT standards. Based on the Appendix A information provided, the department may advise the applicant which subset of technologies to consider as candidates for meeting BARCT or ALARACT requirements.

For those facilities subject to the operating permit regulations in chapter 173-401 WAC, the radioactive air emissions license will be incorporated as an applicable portion of the air operating permit issued by the department of ecology or a local air pollution control authority. The department will be responsible for determining the facility's compliance with and enforcing the requirements of the radioactive air emissions license.

(1) Requirements for new construction or modification of emission units.

(a) Early in the design phase, the applicant shall submit a NOC containing the information required in Appendix A.

(b) Within thirty days of receipt of the NOC, the department shall inform the applicant if additional information is required. The department may determine, on the basis of the information submitted, that the requirements of BARCT or ALARACT have been met, or may require the applicant to submit a BARCT or ALARACT demonstration compatible with Appendix B or C, respectively.

(c) Within sixty days of receipt of all required information, the department shall issue an approval or denial to construct. The department may require changes to the final proposed control technology.

(d) The applicant may request a phased approval process by so stating and submitting a limited application. The department may grant a conditional approval to construct for such activities as would not preclude the construction or installation of any control or monitoring equipment required after review of the completed application.

(e) The department shall issue a license, or amend an existing license, authorizing operation of the emission unit(s) when the proposed new construction or modification is complete. For facilities subject to the air operating permit requirements of chapter 173-401 WAC, the license shall become part of the air operating permit issued by the department of ecology or a local air pollution control authority. For new construction, this action shall constitute registration of the emission unit(s).

(2) Requirements for modification of unregistered emission units that are not exempt from these regulations.

(a) The applicant shall submit an application containing the information required in Appendix A.

(b) Within thirty days of receipt of the application, the department shall inform the applicant if additional information is required. The department may determine, on the basis of the information submitted, that the requirements of BARCT or ALARACT have been met, or may require the applicant to submit a BARCT or ALARACT demonstration compatible with Appendix B or C, respectively.

(c) Within sixty days of receipt of all required information, the department shall issue or amend the license. For facilities subject to the air operating permit requirements of chapter 173-401 WAC, the license shall become part of the air operating permit issued by the department of ecology or a local air pollution control authority. This action shall constitute registration of the emission unit(s). A determination of noncompliance may result in the issuance of a notice of violation.

(d) The department reserves the right to require the owner of an existing, unregistered emission unit to make modifications necessary to comply with the applicable standards of WAC 246-247-040.

(3) If an emission unit is in violation of any standards contained in WAC 246-247-040, the facility shall either submit a compliance plan which describes how it intends to achieve compliance with the standards, ~~((and/or))~~ or cease operation of the emission unit(s). The facility shall submit the compliance plan within forty-five days of the notice of violation. The cessation of operation of the emission unit(s) shall not necessarily exempt the facility from the requirements of this chapter if active or passive ventilation and radioactive air emission controls will still be required. The department reserves the right to take further enforcement action, if necessary, in accordance with WAC 246-247-100.

(4) The facility shall notify the department at least seven calendar days prior to any planned preoperational tests of new or modified emission units that involve emissions control, monitoring, or containment systems of the emission unit(s). The department reserves the right to witness or require preoperational tests involving the emissions control, monitoring, or containment systems of the emission unit(s).

(5) The license shall specify the requirements and limitations of operation to assure compliance with this chapter. The facility shall comply with the requirements and limitations of the license.

(6) All radioactive air emissions licenses issued by the department, except those issued to radioactive materials licensees, shall have an expiration date of five years from date of issuance or as specified in the air operating permit. For radioactive material licensees, the requirements and limitations for the operation of emission units shall be incorporated into their radioactive materials license, and shall expire when the radioactive materials license expires.

(7) Each federal facility that comes under the authority of this chapter shall hold one license for each site, base, or installation. When applicable, the license shall be part of the facility's air operating permit.

(8) Facilities may request a single categorical license which identifies limits and conditions of operation for similar multipurpose temporary ~~((and/or))~~ or portable emission units. When applicable, the license shall be part of the facility's air operating permit.

(9) All facilities with licensed emission units, except for radioactive materials licensees, shall submit a request to the department for renewal of their radioactive air emissions license at least sixty days prior to expiration of the license or as required by the air operating permit. All renewal requests shall include a summary of the operational status of all emission units, the status of facility compliance with the standards

of WAC 246-247-040, and the status of any corrective actions necessary to achieve compliance with the requirements of this chapter. Facilities with licensed emission units that also hold a radioactive materials license issued by the department shall submit this information along with their radioactive material license renewal submittal. If the department is unable to renew a radioactive air emissions license before its expiration date, the existing license, with all of its requirements and limitations, remains in force until the department either renews or revokes the license.

(10) For commercial nuclear power plants or any other thermal energy facility subject to chapter 80.50 RCW and to the requirements of this chapter, the radioactive air emissions license and amendments thereto shall be issued pursuant to a memorandum of agreement between the energy facility site evaluation council (EFSEC) and the department.

AMENDATORY SECTION (Amending WSR 12-01-071, filed 12/19/11, effective 1/19/12)

**WAC 246-247-080 Inspections, reporting, and recordkeeping.** (1) The department reserves the right to inspect and audit all construction activities, equipment, operations, documents, data, and other records related to compliance with the requirements of this chapter. The department may require a demonstration of ALARACT at any time.

(2) All reporting and recordkeeping requirements of 40 C.F.R. 61, subparts H and I, are adopted by reference, as applicable as specified by the referenced subparts. The department may, upon request by a nonfederal licensee, authorize provisions specific to that nonfederal licensee, other than those already set forth in WAC 246-247-080 for nonfederal emission unit inspections, reporting, or recordkeeping, so long as the department finds reasonable assurance of compliance with the performance objectives of this chapter.

(3) The facility shall annually submit to the department the information requirements adopted in subsection (2) of this section, as applicable, along with the following additional information, as applicable:

(a) The results of emission measurements for those emission units subject only to periodic confirmatory measurements;

(b) Wind rose or joint frequency table;

(c) Annual average ambient temperature;

(d) Annual average emission unit gas temperature, if available;

(e) Annual total rainfall;

(f) Annual average emission unit flow rate and total volume of air released during the calendar year.

If this additional information is available in another annual report, the facility may instead provide a copy of that report along with the information requirements in this subsection. Annual reports are due by June 30th for the previous calendar year's operations.

(4) Any report or application that contains proprietary or procurement-sensitive information shall be submitted to the department with those portions so designated. The department shall hold this information confidential, unless required

to release the information pursuant to laws, regulations, or court order.

(5) The facility shall notify the department within twenty-four hours of any shutdown, or of any transient abnormal condition lasting more than four hours or other change in facility operations which, if allowed to persist, would result in emissions of radioactive material in excess of applicable standards or license requirements. If requested by the department, the facility shall submit a written report within ten days including known causes, corrective actions taken, and any preventive measures taken or planned to minimize or eliminate the chance of recurrence.

(6) The facility shall file a report of closure with the department whenever operations producing emissions of radioactive material are permanently ceased at any emission unit (except temporary emission units) regulated under this chapter. The closure report shall indicate whether, despite cessation of operations, there is still a potential for radioactive air emissions and a need for an active or passive ventilation system with either an emission control (~~(and/or)~~) or monitoring devices. If decommissioning is planned and will constitute a modification, a NOC is required, as applicable, in accordance with WAC 246-247-060.

(7) The facility shall maintain a log for each emission unit that has received categorical approval under WAC 246-247-060(8). The log shall contain records of important operations parameters including the date, location, and duration of the release, measured or calculated radionuclide concentrations, the type of emissions (liquid, gaseous, solid), and the type of emission control and monitoring equipment.

(8) The facility shall maintain readily retrievable storage areas for all records and documents related to, and which may help establish compliance with, the requirements of this chapter. The facility shall keep these records available for department inspection for at least five years.

(9) The facility shall ensure all emission units are fully accessible to department inspectors. In the event the hazards associated with accessibility to a unit require training (~~(and/or)~~)<sub>2</sub> restrictions, or other requirements for entry, the facility owner or operator shall inform the department, prior to arrival, of those restrictions or requirements. The owner or operator shall be responsible for providing the necessary training, escorts, and support services to allow the department to inspect the facility.

(10) The facility shall make available, in a timely manner, all documents requested by the department for review. The facility shall allow the department to review documents in advance of an inspection. The facility shall allow access to classified documents by representatives of the department with the appropriate security clearance and a demonstrable need-to-know.

(11) The facility shall respond in writing in a timely manner, or within a time limit set by the department, to inspection results which require the facility to implement corrective actions or any other actions so directed by the department.

(12) A facility owner or operator, or any other person may not make any false material statement, representation, or certification in any form, notice, or report required under

chapter 70.98 RCW, or any ordinance, resolution, regulation, permit, or order in force pursuant thereto.

AMENDATORY SECTION (Amending WSR 04-18-094, filed 9/1/04, effective 10/2/04)

**WAC 246-247-085 Compliance determination for existing emission units and facilities.** (1) All procedures for determining compliance with the dose equivalent standards of 40 C.F.R. 61, subparts H and I (~~((as effective on October 9, 2002)))~~), are adopted by reference, as applicable as specified by the referenced subparts. The department may, upon request of a nonfederal licensee, authorize provisions specific to that nonfederal licensee, other than those already set forth in WAC 246-247-085 for determining compliance with appropriate dose equivalent standards by nonfederal emission units, so long as the department finds reasonable assurance of compliance with the performance objectives of this chapter.

(2) Facilities subject to 40 C.F.R. 61 shall use computer codes or procedures approved by the EPA to determine the TEDE to the MEI; all other facilities shall use computer codes or procedures approved by the department.

(3) The determination of compliance with the dose equivalent standard of WAC 246-247-040 shall include all radioactive air emissions resulting from routine and nonroutine operations for the past calendar year.

AMENDATORY SECTION (Amending WSR 94-07-010, filed 3/4/94, effective 4/4/94)

**WAC 246-247-100 Enforcement actions.** (1) In accordance with RCW 70.94.422, the department may take any of the following actions to enforce compliance with the provisions of this chapter:

(a) Notice of violation and compliance order (RCW 70.94.332).

(b) Restraining order or temporary or permanent injunction (RCW 70.94.425; also RCW 70.98.140).

(c) Penalty: (~~Fine and/or~~) Either fine or imprisonment, or both, for each separate violation (RCW 70.94.430).

(d) Civil penalty: Up to ten thousand dollars for each day of continued noncompliance (RCW 70.94.431 (1) through (7)).

(e) Assurance of discontinuance (RCW 70.94.435).

(2) The department, in accordance with RCW 70.98.050 (4)(1), may issue subpoenas in order to compel either the attendance of witnesses ((and/or)) or production of records, or ((documents)) both, in connection with any adjudicative or other administrative proceeding.

(3) The department, in accordance with RCW 70.98.160, may impound sources of ionizing radiation.

(4) The secretary of the department, in accordance with RCW 43.70.190, is authorized to bring an action to prohibit a violation or a threatened violation of any department rules or regulation, or to bring any legal proceeding authorized by law to a county superior court.

(5) Any party, against which an enforcement action is brought by the department, has the right to submit an application for the adjudicative process in accordance with chapter 246-10 WAC and chapter 34.05 RCW.

AMENDATORY SECTION (Amending WSR 04-18-094, filed 9/1/04, effective 10/2/04)

**WAC 246-247-120 Appendix B—BARCT compliance demonstration. Purpose.** A BARCT demonstration is used to choose control technologies for the mitigation of emissions of radioactive material from new emission units or significant modifications to emission units. The bases for the BARCT demonstration requirements are the BARCT standard given in WAC 246-247-040, and the definition of BARCT given in WAC 246-247-030. This procedure incorporates certain implementing criteria that enable the department to evaluate a facility's compliance with the BARCT standard. It is the applicant's responsibility to demonstrate the effectiveness of their BARCT determination to the department. The facility should contact the department at the conceptual design phase for guidance on the BARCT demonstration requirements. The department may adjust this demonstration procedure on a case-by-case basis, as needed, to ensure compliance with the substantive standard.

**Scope.** The BARCT demonstration includes the abatement technology and indication devices that demonstrate the effectiveness of the abatement technology from entry of radionuclides into the ventilated vapor space to release to the environment. The applicant shall evaluate all available control technologies that can reduce the level of radionuclide emissions.

**Technology Standards.** The BARCT demonstration and the emission unit design and construction must meet, as applicable, the technology standards shown below if the unit's potential-to-emit exceeds 0.1 mrem/yr TEDE to the MEI. If the potential-to-emit is below this value, the standards must be met only to the extent justified by a cost/benefit evaluation.

**ASME/ANSI AG-1**, Code on Nuclear Air and Gas Treatment (where there are conflicts in standards with the other listed references, this standard shall take precedence)

**ASME/ANSI N509**, Nuclear Power Plant Air-Cleaning Units and Components

**ASME/ANSI N510**, Testing of Nuclear Air Treatment Systems

**ANSI/ASME NQA-1**, Quality Assurance Program Requirements for Nuclear Facilities

**40 C.F.R. 60, Appendix A**, Methods 1, 1A, 2, 2A, 2C, 2D, 4, 5, and 17

**ANSI/HPS N13.1-1999**, Sampling and Monitoring Releases of Airborne Radioactive Substances from the Stacks and Ducts of Nuclear Facilities

The following standards and references are recommended as guidance only:

**ANSI/ASME NQA-2**, Quality Assurance Requirements for Nuclear Facilities

**ANSI N42.18**, Specification and Performance of On-Site Instrumentation for Continuously Monitoring Radioactivity in Effluents

**ERDA 76-21**, Nuclear Air Cleaning Handbook

**ACGIH 1988**, Industrial Ventilation, A Manual of Recommended Practice, 20th ed., American Conference of Governmental Industrial Hygienists

**BARCT Demonstration Procedure.**

**Step 1. Define facility process variables.** Describe the physical and chemical process. Include the potential radionuclide release rates (by isotope, in units of curies/year), process variables (such as flow rate, temperature, humidity, chemical composition), and other technical considerations. Base the radionuclide release rate on the potential-to-emit.

Radionuclides selected for consideration in the BARCT demonstration shall include those which contribute more than ten percent of the potential TEDE to the MEI or more than 0.1 mrem/yr, and any others which the department determines are necessary.

**Step 2. Gather information on all available control technologies.** Search for all available technologies that can reduce the emissions levels for the radionuclides selected in Step 1. Sources of information shall include previous BARCT demonstrations, regulatory authorities, industry or regulatory agency databases, literature searches, information from technology vendors, research and development reports, and any other means necessary to identify all available technologies. "Available technology" includes any technology that is commercially available. Recently completed searches may be used with department approval.

**Step 3. Determine technical feasibility.** Determine technical feasibility by evaluating vendor specifications for available control technologies identified in Step 2 with respect to the process variables identified in Step 1. Evaluate combinations of abatement technology and control devices by component, and the system as a whole.

If a control technology has poor safety, reliability, or control effectiveness as achieved in practice under the proposed process conditions, or the technology is not applicable to the emission unit under consideration, the technology may be eliminated with supporting documentation of the technical infeasibility.

**Step 4. List all feasible control technologies in order of effectiveness.** Evaluate feasible control technologies for efficiency (effectiveness) in reducing the TEDE to the MEI. List them in order, with the most effective first. If the most effective feasible technology is proposed as BARCT, the demonstration is complete at this step.

**Step 5. Evaluate the environmental, energy, and economic impacts.** Evaluate each control technology in succession, beginning with the most effective. Present an objective evaluation considering both beneficial and adverse impacts. Quantify the data where possible. Impact cost and effectiveness evaluations are incremental and include only that portion of the facility which comes under the authority of this chapter. Evaluate at least the following impacts:

**Environmental impact** - Determine the incremental environmental impact, both beneficial and adverse. Evaluate the beneficial impact of reduction in the TEDE to the surrounding population or, at a minimum, to the MEI due to the abatement of radioactive air emissions. Consider the adverse impacts from waste generation (radioactive and nonradioactive, air and nonair), disposal and stabilization, construction of control equipment, and the health and safety to both radiation workers and the general public.

**Energy impact** - Determine the incremental energy impact. Include the impact of any resulting need for new services such as energy distribution systems.

**Economic impact** - Determine the incremental economic impact. Determine capital and expense costs including design, development, procurement, construction, operation, maintenance, taxes, waste disposal, and any other applicable financial components. Base all costs on the expected lifetime of the emission unit and reduce to an annualized cost for evaluation and comparison.

The adverse economic impact compared to the beneficial impact, including reduction in TEDE to the surrounding population or the MEI, is a measure of the cost versus benefit for the control technology evaluated.

The most effective technology may be eliminated from consideration if the applicant can demonstrate to the department's satisfaction that the technology has unacceptable impacts. State clearly the basis for this conclusion and proceed to the next most effective control technology. If the next most effective technology is proposed as BARCT, the demonstration is complete; otherwise, evaluate the control technology for impacts in accordance with this step.

If the control technology cannot be eliminated on the basis of its impacts, it is proposed as BARCT.

**Reporting.** Prepare a BARCT compliance demonstration report for department review. Provide sufficient information such that the department can validate essential results. If no control technology is feasible, ~~((and/or))~~ or emissions are unacceptable, the department reserves the right to prohibit the construction and operation of the emission unit(s).

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-247-045 Where to find technical references.

#### WSR 17-22-038

#### PROPOSED RULES

#### SHORELINE COMMUNITY COLLEGE

[Filed October 24, 2017, 1:12 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-16-024.

Title of Rule and Other Identifying Information: Public records, chapter 132G-276 WAC, revising WAC 132G-276-090.

Hearing Location(s): On December 5, 2017, at 2 p.m., at Shoreline Community College, Quiet Dining Room, Building 9000.

Date of Intended Adoption: January 6, 2018.

Submit Written Comments to: Veronica Zura, 16101 Greenwood Avenue North, email [sccrulemaking@shoreline.edu](mailto:sccrulemaking@shoreline.edu), by December 5, 2017.

Assistance for Persons with Disabilities: Contact office of special service, phone 206-546-4520, by December 5, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: EHB 1595 (section 3, chapter 304, Laws of 2017) pass [passed] in 2017 and

effective July 23, 2017, modified the authority for state agencies (including higher education) to charge for costs associated with producing records in response to a public records request. Shoreline Community College is amending the section of our public records rule to comply with the new requirements.

Reasons Supporting Proposal: The Public Records Act is chapter 42.56 RCW. RCW 42.56.120 as amended effective July 23, 2017 (section 3, chapter 304, Laws of 2017) requires that before an agency uses the amended statutory default copy fee schedule in the new law (rather than determining actual costs of copies), the agency must have a rule declaring the reason that it is not calculating actual costs because to do so would be unduly burdensome. The rule amendments to WAC 132G-276-090 make those findings. RCW 42.56.120, as amended, also allows an agency to waive any charge assessed for a public record pursuant to a rule. WAC 132G-276-090 also provides for fee waivers.

Statutory Authority for Adoption: RCW 42.56.120 as amended by chapter 304, Laws of 2017 (EHB 1595), RCW 42.56.040 (1)(d), and 28B.50.140(13).

Statute Being Implemented: RCW 42.56.120.

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

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Julie Bathke, Administration Building 1000, Room 1019, 206-546-7859.

A school district fiscal impact statement is not required under RCW 28A.305.135. A statement is not required for these college rules under RCW 19.85.030.

A cost-benefit analysis is not required under RCW 34.05.328. The cost-benefit analysis in RCW 34.05.328 does not apply to these college rules.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute; and rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

October 25 [24], 2017

Veronica Zura  
Director of Human Resources

AMENDATORY SECTION (Amending WSR 00-10-048, filed 4/26/00, effective 5/27/00)

**WAC 132G-276-090 (~~(Copying)~~) Charges for public records.** No fee shall be charged for the inspection of public records. The college imposes a charge for providing copies of public records. ~~((Such charges shall not exceed the amount necessary to reimburse the college for the actual cost as allowed by law.))~~ Calculating the actual costs of charges for providing public records is unduly burdensome because it will consume scarce college resources to conduct a study of actual costs, and it is difficult to accurately calculate all costs directly incident to copying records, including equipment and paper costs, data storage costs, electronic production costs,

and staff time for copying and sending requested records. Instead of calculating the actual costs of charges for records, the college president or designee shall establish, maintain, and make available for public inspection and copying a statement of costs that the college charges for providing photocopies or electronically produced copies of public records, and such charges for records shall not exceed the maximum default charges allowed in RCW 42.56.120 (2)(b), as amended by section 3, chapter 304, Laws of 2017. The college may also use any other method authorized by the Public Records Act for imposing charges for public records including, but not limited to, charging a flat fee, charging a customized service charge, or charging based on a contract, memorandum of understanding, or other agreement with a requestor. The college may waive charges assessed for records when the public records officer determines collecting a fee is not cost effective.

## WSR 17-22-042

### PROPOSED RULES

### DEPARTMENT OF HEALTH

[Filed October 24, 2017, 5:17 p.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: WAC 246-08-990 Fees for copying of public records.

Hearing Location(s): On December 11, 2017, at 9:30 a.m., at the Department of Health, Town Center 3, Room 224, 243 Israel Road S.E., Tumwater, WA 98501.

Date of Intended Adoption: December 18, 2017.

Submit Written Comments to: Melanee Auldredge, Department of Health, P.O. Box 47890, Olympia, WA 98501, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-4414, by December 1, 2017.

Assistance for Persons with Disabilities: Contact Melanee Auldredge, phone 360-236-4220, TTY 360-833-6388 or 711, email [melanee.auldredge@doh.wa.gov](mailto:melanee.auldredge@doh.wa.gov), by November 27, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: During the 2017 legislative session, EHB 1595 (chapter 304, Laws of 2017) was passed into law. Beginning July 23, 2017, the law prohibits state agencies, including the department of health (department), to recover any costs under the Public Records Act, without adopting a rule (except a \$2.00 flat fee). At this time, the department is proposing to adopt the default fee schedule set forth in the new law. The proposed rule also: (a) Declares the reasons why it would be unduly burdensome for the department to calculate actual costs; (b) states that the department may charge fees for production of copies of public records; (c) establishes that the department may waive the costs assessed for a request when the department has determined that the request can be produced quickly and at little cost; and (d) states that the department will not provide customized access if doing so will interfere with agency business.



Reasons Supporting Proposal: The intent is to allow agencies to recover some of the costs associated with fulfilling public records requests, with the exception of staff time. The proposed rule provides the department with flexibility and also allows it to enter into agreements with requestors for alternate cost arrangements, and to charge actual costs for customized access.

Statutory Authority for Adoption: RCW 43.70.040, 42.56.120.

Statute Being Implemented: RCW 42.56.120(2).

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

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting: Melanee Auldredge, 101 Israel Road S.E., Tumwater, WA 98501, 360-236-4220; Implementation: Judie Morton, 101 Israel Road S.E., Tumwater, WA 98501, 360-236-4221; and Enforcement: Shawn Murinko, 101 Israel Road S.E., Tumwater, WA 98501, 360-236-4010.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The agency did not complete a cost-benefit analysis under RCW 34.05.328. RCW 34.05.328 (5)(b)(vi) exempts rules that set or adjust fees or rates pursuant to legislative standards.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

Explanation of exemptions: Sets fees.

October 24, 2017  
John Wiesman, DrPH, MPH  
Secretary

**NEW SECTION**

**WAC 246-08-990 Copying fees.** The copy fees and payment procedures in this section apply to public records requests to the department of health (department) under chapter 42.56 RCW and received on or after July 23, 2017.

(1) Pursuant to RCW 42.56.120 (2)(b), the department is not calculating all actual costs for copying records because to do so would be unduly burdensome for the following reasons:

- (a) The department does not have the resources to conduct a study to determine all its actual copying costs;
- (b) To conduct a study to determine actual copying costs would interfere with other essential agency functions; and
- (c) Through the 2017 legislative process, the public and requestors have commented on and been informed of authorized fees and costs, including fees for electronic records, provided in RCW 42.56.120 (2)(b), (c), (3), and (4).

(2) The department will charge for copies of records pursuant to the default fees in RCW 42.56.120 (2)(b) and (c).

(3) The department will charge for customized services pursuant to 42.56.120(3). The department will not provide customized access if doing so will interfere with other essential agency functions.

(4) Under RCW 42.56.130, the department may charge other copy fees authorized by statutes outside of chapter 42.56 RCW.

(5) The department may enter into an alternative fee agreement with a requestor under RCW 42.56.120(4).

(6) The following fees for copying methods used by the department include:

Copying Method	Fee
Records scanned into electronic format	\$.10/page
Electronic file	\$.05/every four electronic files or attachments uploaded to an email, cloud storage service, or other electronic delivery system
Transmission of electronic records	\$.10/gigabyte
Flat fee	\$2.00 (agencies have the option to charge up to \$2 as an alternative to actual or default costs if the agency reasonably estimates and documents that the costs are equal or more than \$2)

(7) Requestors are required to pay for copies in advance of receiving records.

(8) Fee waivers are an exception and may be available for some small requests:

(a) At the discretion of the department a fee waiver may be available when:

(i) All of the records responsive to an entire request are paper copies only and are twenty-five or fewer pages; or

(ii) All of the records responsive to an entire request are electronic and can be provided in a single email with attachments of a size totaling no more than the equivalent of one hundred printed pages. If that email for any reason is not deliverable, records will be provided through another means of delivery, and the requestor will be charged in accordance with this section.

(b) Fee waivers are not applicable to records provided in installments.

(9) The department may require an advance deposit of ten percent of the estimated fees when the copying fees for an installment or an entire request, or customized service charge, exceeds twenty-five dollars.

(10) All required fees must be paid in advance of release of the copies or an installment of copies, or in advance of when a deposit is required. The department will notify the requestor of when payment is due.

(11) The requestor must make payment by check or money order to the Washington state department of health. The department prefers not to receive cash. For cash pay-

ments, it is within the department's discretion to determine the denomination of bills and coins that will be accepted.

(12) The department will close a request when a requestor fails by the payment date to pay in the manner prescribed for records, an installment of records, or a required deposit.

**WSR 17-22-067**  
**PROPOSED RULES**  
**WASHINGTON STATE PATROL**

[Filed October 27, 2017, 9:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-17-80 [17-17-080].

Title of Rule and Other Identifying Information: WAC 446-10-090 Costs for providing copies of public records.

Hearing Location(s): On December 5, 2017, at 9:00 p.m., at the General Administration Building, 210 11th Avenue S.W., Room G-6, Olympia, WA 98513.

Date of Intended Adoption: On or after December 15, 2017.

Submit Written Comments to: Gretchen Dolan, P.O. Box 42631, Olympia, WA 98504, email Gretchen.Dolan@wsp.wa.gov, by November 28, 2017.

Assistance for Persons with Disabilities: Contact Gretchen Dolan, phone 360-596-4100, email Gretchen.dolan@wsp.wa.gov, by November 28, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The Washington state patrol has proposed amendments to WAC 446-10-090 Costs for providing copies of public records. The purpose of the proposal is to update the rule to reflect developments in statutes and technology since the rules were last revised in 2007. The proposed amendments address copying charges with respect to public records and electronic records and statutory citations. The anticipated effect is to modernize the WAC so it is a more functional resource for requestors and the agency.

Reasons Supporting Proposal: The Public Records Act (PRA), chapter 42.56 RCW, provides the public access to state and local government agency public records. In 2007, the state patrol updated the current rules. This rule is now outdated in part due to statutory, case law and technological developments since 2007.

The reasons to support the proposal to amend this rule include modernizing the rule so it better reflects current laws.

Statutory Authority for Adoption: RCW 46.52.120 [42.56.120] (2)(b) and (c).

Statute Being Implemented: RCW 46.52.120 [42.56.120] (2)(b) and (c), chapter 42.56 RCW.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The state legislature has enacted a number of changes in the PRA since 2007.

Name of Proponent: Chief John R. Batiste, Washington state patrol, governmental.

Name of Agency Personnel Responsible for Drafting: Gretchen Dolan, Olympia, Washington, 360-596-4137; Implementation and Enforcement: Washington State Patrol, Olympia, Washington, 360-596-4100.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Pursuant to RCW 34.05.328 (5)(a)(i), this agency is not an agency mandated to comply with RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 42.56.120 and 42.56.070.

Explanation of exemptions: To the extent there are costs assessed by the state patrol for providing records in response to PRA requests by small businesses, the authorized costs are set out in statute and apply to all requestors. RCW 42.56.070; 42.56.120.

October 25, 2017

John R. Batiste

Chief

AMENDATORY SECTION (Amending WSR 07-04-039, filed 1/30/07, effective 3/2/07)

**WAC 446-10-090 Costs for providing copies of public records.** (1) The following copy fees and payment procedures apply to requests to the agency under chapter 42.56 RCW.

(2) Actual costs. Pursuant to RCW 42.56.120 (2)(b), the agency is not calculating all actual costs for copying records because to do so would be unduly burdensome for the following reasons:

(a) The agency does not have the resources to conduct a study to determine all its actual copying costs;

(b) To conduct such a study would interfere with other essential agency functions; and

(c) Through the 2017 legislative process, the public and requestors have commented on and been informed of authorized fees and costs, including for electronic records, provided in RCW 42.56.120 (2)(b) and (c), (3) and (4).

(3) Costs for paper copies. There is no fee charged for inspecting public records. The agency will charge for copies of paper records pursuant to the default fees in RCW 42.56.120 (2)(b) and (c). A requestor may obtain standard black and white photocopies for fifteen cents per page.

(a) Before beginning to make copies, the public records officer or designee may estimate costs of copying the records, and may require a deposit of up to ten percent of all the records selected by the requestor.

(b) The public records officer or designee may ((also)) require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment.

(c) The Washington state patrol shall not charge sales tax when it makes copies of public records.

((2)) (4) Costs for electronic records. ((The cost of)) Electronic copies of records shall be ((the actual cost of the CD, DVD, audio or video tape, or disc.

~~(3))~~ charged as follows pursuant to RCW 42.56.120 (2)(b) and (c):

(a) Ten cents per page for scanned records or for use of agency equipment for scanning.

(b) Five cents for each four electronic files or attachments uploaded to email, or cloud-based data storage service, or other means of electronic delivery.

(c) Ten cents per gigabyte for records transmitted in an electronic format or for use of agency equipment to send records electronically.

(d) Actual costs of any digital storage media or devices provided by the agency.

(e) Actual costs of a "customized service charge" when the request would require the use of information technology expertise to prepare data compilations or when such customized access services are not used by the agency for other business purposes.

(i) The agency will notify the requestor and take other steps if it will be doing a customized service charge.

(ii) The public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment.

(iii) Copy charges may be combined to the extent more than one type of charge applies to copies responsive to a particular request.

(iv) Public records request fees do not supersede other statutory provisions for copying fees.

(5) **Costs of mailing.** The Washington state patrol may also charge actual costs of mailing, including the cost of the shipping container.

~~((4))~~ (6) **Payment.** Payment ~~(may)~~ shall be made ~~((by check or money order only,))~~ payable to the Washington state patrol.

(7) **Summary of charges.** Upon request the Washington state patrol will provide a summary of the applicable charges before copies are made and the requestor may revise the request to reduce the number of copies, thereby reducing the applicable charges.

(8) **Waiver of charges [reserved].** It is within the discretion of the public records officer or designee to waive copying fees when:

(a) All of the records responsive to an entire request are paper copies only and are twenty-five or fewer pages; or

(b) All of the records responsive to an entire request are electronic and can be provided in a single email with attachments of a size totaling no more than the equivalent of one hundred printed pages. If that email for any reason is not deliverable, records will be provided through another means of delivery, and the requestor will be charged in accordance with this section.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 17-22-090**

**PROPOSED RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)

[Filed October 30, 2017, 9:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-16-157.

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-113-0020 Which criminal convictions and pending charges automatically disqualify an individual from having unsupervised access to adults or minors who are receiving services in a program under chapters 388-71, 388-101, 388-76, 388-78A, 388-97, 388-825, and 388-107 WAC?, to update the list of qualifying crimes and to remove the example for time limited convictions in WAC 388-113-0020(2).

Hearing Location(s): On December 5, 2017, at 10:00 a.m., at 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>.

Date of Intended Adoption: Not earlier than December 6, 2017.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAU RulesCoordinator@dshs.wa.gov, fax 360-664-6185, by 5:00 p.m., December 5, 2017.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, phone 360-664-6092, fax 360-664-6185, TTY 711 relay service, email Kildaja@dshs.wa.gov, by November 21, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is amending WAC 388-113-0020 as a result of the passage of HB [ESHB] 1153 and HB [E2SHB] 1163 during the 2017 legislative session, and to simplify the WAC by removing the example of time limited convictions in WAC 388-113-0020(2).

Reasons Supporting Proposal: See purpose statement above.

Statutory Authority for Adoption: RCW 74.08.090, 43.43.842, 74.39A.056.

Statute Being Implemented: RCW 74.39A.056, 43.43.842.

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: Stacy Graff, P.O. Box 45600, Olympia, WA 98504-5600, 360-725-2533.

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.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

October 24, 2017  
Katherine I. Vasquez  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-14-025, filed 6/24/14, effective 7/25/14)

**WAC 388-113-0020 Which criminal convictions and pending charges automatically disqualify an individual from having unsupervised access to adults or minors who are receiving services in a program under chapters 388-71, 388-101, 388-106, 388-76, 388-78A, 388-97, 388-825, and 388-107 WAC?** (1) Individuals who must satisfy background checks requirements under chapters 388-71, 388-101, 388-76, 388-78A, 388-97, 388-825, and 388-107 WAC ~~((may))~~ must not work in a position that may involve unsupervised access to minors or vulnerable adults if ~~((he or she))~~ the individual has been convicted of or has a pending charge for ~~((one))~~ any of the following crimes:

- (a) Abandonment of a child;
- (b) Abandonment of a dependent person;
- (c) Abuse or neglect of a child;
- (d) Arson 1;
- (e) Assault 1;
- (f) Assault 2;
- (g) Assault 3;
- (h) Assault 4/simple assault (less than three years);
- (i) Assault 4 domestic violence felony;
- (j) Assault of a child;
- ~~((j))~~ (k) Burglary 1;
- ~~((k))~~ (l) Child buying or selling;
- ~~((l))~~ (m) Child molestation;
- ~~((m))~~ (n) Coercion (less than five years);
- ~~((n))~~ (o) Commercial sexual abuse of a minor/patronizing a juvenile prostitute;
- ~~((o))~~ (p) Communication with a minor for immoral purposes;
- ~~((p))~~ (q) Controlled substance homicide;
- ~~((q))~~ (r) Criminal mistreatment;
- ~~((r))~~ (s) Custodial assault;
- ~~((s))~~ (t) Custodial interference;
- ~~((t))~~ (u) Custodial sexual misconduct;
- ~~((u))~~ (v) Dealing in depictions of minor engaged in sexual explicit conduct;
- ~~((v))~~ (w) Domestic violence (felonies only);
- ~~((w))~~ (x) Drive-by shooting;
- ~~((x))~~ (y) Drug crimes, if they involve one or more of the following:
  - (i) Manufacture of a drug;
  - (ii) Delivery of a drug; ~~((and))~~
  - (iii) Possession of a drug with the intent to manufacture or deliver.
- ~~((y))~~ (z) Endangerment with a controlled substance;
- ~~((z))~~ (aa) Extortion;
- ~~((aa))~~ (bb) Forgery (less than five years);
- ~~((bb))~~ (cc) Homicide by abuse, watercraft, vehicular homicide (negligent homicide);
- ~~((cc))~~ (dd) Identity theft (less than five years);

- ~~((dd))~~ (ee) Incendiary devices (possess, manufacture, dispose);
  - ~~((ee))~~ (ff) Incest;
  - ~~((ff))~~ (gg) Indecent exposure/public indecency (felony);
  - ~~((gg))~~ (hh) Indecent liberties;
  - ~~((hh))~~ (ii) Kidnapping;
  - ~~((ii))~~ (jj) Luring;
  - ~~((jj))~~ (kk) Malicious explosion 1;
  - ~~((kk))~~ (ll) Malicious explosion 2;
  - ~~((ll))~~ (mm) Malicious harassment;
  - ~~((mm))~~ (nn) Malicious placement of an explosive 1;
  - ~~((nn))~~ (oo) Malicious placement of an explosive 2 (less than five years);
  - ~~((oo))~~ (pp) Malicious placement of imitation device 1 (less than five years);
  - ~~((pp))~~ (qq) Manslaughter;
  - ~~((qq))~~ (rr) Murder/aggravated murder;
  - ~~((rr))~~ (ss) Possess depictions minor engaged in sexual conduct;
  - ~~((ss))~~ (tt) Promoting pornography;
  - ~~((tt))~~ (uu) Promoting prostitution 1;
  - ~~((uu))~~ (vv) Promoting suicide attempt (less than five years);
  - ~~((vv))~~ (ww) Prostitution (less than three years);
  - ~~((ww))~~ (xx) Rape;
  - ~~((xx))~~ (yy) Rape of child;
  - ~~((yy))~~ (zz) Residential burglary;
  - ~~((zz))~~ (aaa) Robbery;
  - ~~((aaa))~~ (bbb) Selling or distributing erotic material to a minor;
  - ~~((bbb))~~ (ccc) Sending or bringing into the state depictions of a minor engaged in sexually explicit conduct;
  - ~~((ccc))~~ (ddd) Sexual exploitation of minors;
  - ~~((ddd))~~ (eee) Sexual misconduct with a minor;
  - ~~((eee))~~ (fff) Sexually violating human remains;
  - ~~((fff))~~ (ggg) Stalking (less than five years);
  - ~~((ggg))~~ (hhh) Theft 1;
  - (iii) Theft from a vulnerable adult 1;
  - (jjj) Theft from a vulnerable adult 2 (less than ten years);
  - ~~((hhh))~~ (kkk) Theft 2 (less than five years);
  - ~~((iii))~~ (lll) Theft 3 (less than three years);
  - ~~((jjj))~~ (mmm) Unlawful imprisonment
  - ~~((kkk))~~ (nnn) Unlawful use of building for drug purposes (less than ~~((5))~~ five years);
  - ~~((lll))~~ (ooo) Use of machine gun in a felony;
  - ~~((mmm))~~ (ppp) Vehicular assault;
  - ~~((nnn))~~ (qqq) Violation of temporary restraining order or preliminary injunction involving sexual or physical abuse to a child;
  - ~~((ooo))~~ (rrr) Violation of a temporary or permanent vulnerable adult protection order (VAPO) that was based upon abandonment, abuse, financial exploitation, or neglect; and
  - ~~((ppp))~~ (sss) Voyeurism.
- (2) If "less than ten years," "less than five years," or "less than three years" appears after a crime listed in subsection (1) ~~((above))~~ of this section, the individual is not automatically disqualified if the required number of years has passed since the date of the conviction. ~~((For example, if~~

~~three or more years have passed since an individual was convicted of Theft in the 3rd degree that conviction would not be automatically disqualifying. If the required number of years has passed, the employer must conduct an overall assessment of the person's)) This will result in a letter from the background check central unit indicating a character, competence, and suitability review is required before allowing unsupervised access to children or vulnerable adults ((and minors)).~~

(3) When the department determines that a conviction or pending charge in federal court or in any other court, including state court is equivalent to a Washington state crime that is disqualifying under this section, the equivalent conviction or pending charge is also disqualifying.

**WSR 17-22-091**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**EARLY LEARNING**

[Filed October 30, 2017, 9:07 a.m.]

Continuance of WSR 17-19-112.

Preproposal statement of inquiry was filed as WSR 17-11-107.

Title of Rule and Other Identifying Information: Amending WAC 170-290-0003 Definitions, 170-290-0266 Payment discrepancies—Generally, 170-290-0268 Payment discrepancies—Provider overpayments, 170-290-0271 Payment discrepancies—Consumer overpayments, 170-290-0275 Payment discrepancies—Providers covered under collective bargaining and 170-290-0280 Right to request an administrative hearing; and new WAC 170-290-0277 Provider program violations and suspected fraud, 170-290-0279 Program violation sanctions, and 170-290-3857 Program violations and suspected fraud.

Hearing Location(s): On October 25, 2017, at 10:30 a.m., at 1110 Jefferson Street S.E., Room 113, Olympia, WA. Request to participate by phone by contacting the rules coordinator at rules@del.wa.gov or 360-725-4670 on or before October 20, 1027 [2017].

Date of Intended Adoption: October 27, 2017.

Submit Written Comments to: Rules Coordinator, P.O. Box 40970, Olympia, WA 98504-0970, email rules@del.wa.gov, fax 360-725-4925, by November 3, 2017.

Assistance for Persons with Disabilities: Contact rules coordinator, phone 360-725-4670, fax 360-725-4925, email rules@del.wa.gov, by October 20, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Proposals: (1) Define fraud and intentional program violations as those terms relate to providers participating in working connections child care and seasonal child care subsidy programs; (2) establish a progressive disqualification process for repeat intentional program violations; (3) clarify that all overpayments must be repaid; and (4) clarify sanctions that may result from intentional program violations.

Reasons Supporting Proposal: Proposals comply with SSB 5883 §5883 (2017-19 operating budget) directive to define fraud and intentional program violations as they relate

to providers participating in working connections child care and seasonal child care subsidy programs and establish a progressive disqualification process for repeat intentional program violations. Proposals also comply with federal requirements to promote program integrity, align agency rules with federal policies and the department of early learning's (DEL) 2016-18 CCDF plan submitted to the U.S.A. Administration for Children and Families.

Statutory Authority for Adoption: RCW 43.215.060 and 43.215.070.

Statute Being Implemented: RCW 43.215.135, chapter 43.215 RCW.

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

Name of Proponent: DEL, governmental.

Name of Agency Personnel Responsible for Drafting: Phi Ly, Subsidy Policy Analyst, DEL State Office, P.O. Box 40970, Olympia, WA 98504, 360-725-3522; Implementation and Enforcement: DEL/DSHS, statewide.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. DEL is not among the agencies listed as required to comply with RCW 34.05.328 (5)(a)(i). Further, DEL does not voluntarily make that section applicable to the adoption of this rule.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; and rules adopt, amend, or repeal a procedure, practice, or requirement relating to agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.

October 30, 2017  
Heather Moss  
Director

**WSR 17-22-095**  
**PROPOSED RULES**  
**ATTORNEY GENERAL'S OFFICE**

[Filed October 30, 2017, 11:01 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-18-091.

Title of Rule and Other Identifying Information: Adding a new rule regarding the Public Records Act (PRA): WAC 44-06-092 Copying Fees—Payment; and repealing an outdated rule regarding PRA: WAC 44-06-090 Copying fees.

Hearing Location(s): On December 6, 2017, at 2:30 p.m. - 3:30 p.m., at the Natural Resources Building, Room 175, 1111 Washington Street S.E., Olympia, WA 98501.

Date of Intended Adoption: On or after January 3, 2018.

Submit Written Comments to: Christina Beusch, 1125 Washington Street S.E., P.O. Box 40100, email ChristinaB@

atg.wa.gov, fax 360-664-0228, written comments may also be submitted through the online comment form available on the web site of the office of the attorney general on the Rulemaking Activity page <http://www.atg.wa.gov/rulemaking-activity>, by December 1, 2017.

Assistance for Persons with Disabilities: Contact Christina Beusch, phone 360-664-3801, fax 360-664-0228, email [ChristinaB@atg.wa.gov](mailto:ChristinaB@atg.wa.gov); or alternate contact Melissa Brearty, rules coordinator, 360-534-4849, [MelB@ATG.WA.GOV](mailto:MelB@ATG.WA.GOV), by December 1, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule making is to adopt a permanent rule that implements the state legislature's new PRA requirement and provide the necessary findings so that the office of the attorney general may continue to use the amended statutory default fee schedule that became effective July 23, 2017, and continue to waive copy fees under listed circumstances. The additional purpose of the rule is to continue to explain procedures for payment for copies. An emergency rule on this topic, WAC 44-06-092, was adopted effective July 23, 2017, and the office is proceeding with adopting the rule as a permanent rule. Finally, the office is repealing permanent WAC 44-06-090, a copying fees rule adopted under prior PRA statutes [statutes].

Reasons Supporting Proposal: The PRA is chapter 42.56 RCW. The 2017 legislature amended RCW 42.56.120, section 3, chapter 304, Laws of 2017, to require that effective July 23, 2107 [2017], if an agency uses the new law's amended statutory default copy fee schedule (rather than determining actual costs of copies), the agency must have a rule declaring the reason it is not calculating actual costs is because to do so would be unduly burdensome. The office is not calculating actual costs for copying records because to do so would be unduly burdensome for the reasons specified in its emergency WAC 44.06.092. The office is adopting the rule on a permanent basis so it can continue to use the statutory default copy fee schedule. In addition, RCW 42.56.120 as amended by section 3, chapter 304, Laws of 2017, allows an agency to waive any charge assessed for public records pursuant to agency rule. The emergency WAC 44-06-092 also describes the circumstances under which the office will waive copying fees. In order to continue that waiver ability, the office is enacting WAC 44-06-092 as a permanent rule. The office also describes in that emergency rule the procedures to pay for copies. The office also is adopting that part of the rule and the remainder of the rule on a permanent basis. Finally, the office is repealing WAC 44-06-090, its copying fees rule originally adopted under former chapter 42.17 RCW because that rule is now outdated.

Statutory Authority for Adoption: RCW 42.56.100, 42.56.040 (1)(d), 42.56.120, 43.10.110.

Statute Being Implemented: RCW 42.56.120.

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

Name of Proponent: Bob Ferguson, attorney general, governmental.

Name of Agency Personnel Responsible for Drafting: Christina Beusch, Olympia, Washington, 360-664-3801.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Pursuant to RCW 34.05.328 (5)(a)(i), this agency is not mandated to comply with RCW 34.05.328. Further, the agency does not voluntarily make that section applicable to the adoption of this rule pursuant to subsection (5)(a)(ii), and to date the joint administrative rules [review] committee has not made the section applicable to the adoption of this rule.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute; rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045; and rules adopt, amend, or repeal a procedure, practice, or requirement relating to agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.

Is exempt under RCW 42.56.070, 42.56.120.

Explanation of exemptions: To the extent there are costs assessed by this agency for records provided in response to public records requests by small businesses, the authorized costs are set out in statute and apply to all requesters. RCW 42.56.070, 42.56.120.

October 26, 2017  
Bob Ferguson  
Attorney General

#### NEW SECTION

**WAC 44-06-092 Copying fees—Payments.** (1) The following copy fees and payment procedures apply to requests to the office under chapter 42.56 RCW and received on or after July 23, 2017.

(2) Pursuant to RCW 42.56.120 (2)(b), the office is not calculating all actual costs for copying records because to do so would be unduly burdensome for the following reasons: (i) The office does not have the resources to conduct a study to determine all its actual copying costs; (ii) to conduct such a study would interfere with other essential agency functions; and, (iii) through the 2017 legislative process, the public and requesters have commented on and been informed of authorized fees and costs, including for electronic records, provided in RCW 42.56.120 (2)(b) and (c), (3) and (4).

(3) The office will charge for copies of records pursuant to the default fees in RCW 42.56.120 (2)(b) and (c). The office will charge for customized services pursuant to 42.56.120(3). Under RCW 42.56.130, the office may charge other copy fees authorized by statutes outside of chapter 42.56 RCW. The office may enter into an alternative fee agreement with a requester under RCW 42.56.120(4). The charges for copying methods used by the office are summarized in the fee schedule available on the office's website at [www.atg.wa.gov](http://www.atg.wa.gov).

(4) Requesters are required to pay for copies in advance of receiving records. Fee waivers are an exception and are

available for some small requests under the following conditions.

(a) It is within the discretion of the public records officer to waive copying fees when: (i) all of the records responsive to an entire request are paper copies only and are twenty-five or fewer pages; or (ii) all of the records responsive to an entire request are electronic and can be provided in a single email with attachments of a size totaling no more than the equivalent of 100 printed pages. If that email for any reason is not deliverable, records will be provided through another means of delivery, and the requester will be charged in accordance with this rule.

(b) Fee waivers are not applicable to records provided in installments.

(5) The public records officer may require an advance deposit of ten percent of the estimated fees when the copying fees for an installment or an entire request, or customized service charge, exceeds twenty-five dollars.

(6) All required fees must be paid in advance of release of the copies or an installment of copies, or in advance of when a deposit is required. The office will notify the requester of when payment is due.

(7) Payment should be made by check or money order to the attorney general's office. The office prefers not to receive cash. For cash payments, it is within the public records officer's discretion to determine the denomination of bills and coins that will be accepted.

(8) The office will close a request when a requester fails by the payment date to pay in the manner prescribed for records, an installment of records, or a required deposit.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 44-06-090 Copying fees.

**WSR 17-22-098**  
**PROPOSED RULES**  
**EASTERN WASHINGTON UNIVERSITY**

[Filed October 30, 2017, 1:03 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-17-116.

Title of Rule and Other Identifying Information: Amending WAC 172-122-200 Notice of trespass.

Hearing Location(s): On December 6, 2017, at 10 a.m., at Eastern Washington University, Main Campus, 526 5th Street, Room 215A, Tawanka Hall, Cheney, WA 99004.

Date of Intended Adoption: February 23, 2018.

Submit Written Comments to: Joseph Fuxa, Eastern Washington University, 526 5th Street, 314 Showalter Hall, Cheney, WA 99004, email jfuxa@ewu.edu, fax 509-359-2874, by December 6, 2017.

Assistance for Persons with Disabilities: Contact Joseph Fuxa, phone 509-359-7496, fax 506-359-2874 [509-359-2874], email jfuxa@ewu.edu, by December 6, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The modifications to WAC 172-122-100 are being made to update university standards and processes regarding the issuance of a notice of trespass.

Reasons Supporting Proposal: Updates are being made to the process for trespassing someone from campus due to changes in practice and law.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

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

Name of Proponent: Eastern Washington University, governmental.

Name of Agency Personnel Responsible for Drafting: Joseph Fuxa, 314 Showalter Hall, 509-359-7496; Implementation and Enforcement: Dr. Mary Cullinan, 214 Showalter Hall, 509-359-6362.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Pursuant to RCW 34.5.328 [34.05.328] (5)(a)(i), this agency is not an agency mandated to comply with RCW 34.05.328. Further, the agency does not voluntarily make that section applicable to the adoption of this [these] rules pursuant to subsection (5)(a)(ii), and to date, the joint administrative rules review committee has not made the section applicable to the adoption of this rule.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

October 30, 2017

Joseph Fuxa

Labor Relations Manager

AMENDATORY SECTION (Amending WSR 92-22-001, filed 10/21/92, effective 11/21/92)

**WAC 172-122-200 Notice of trespass.** ~~(1) The president of Eastern Washington University, or ((im)) the president's ((absence, the acting president, is authorized in the instance of any event that the president deems to be disruptive of order or which the president deems impedes the movement of persons or vehicles or which the president deems to disrupt or threatens to disrupt the ingress and/or egress of persons from publicly owned buildings or related facilities owned by the university, then the president acting through the executive vice president or other persons designated by the president, shall have the power and authority to:~~

~~(1) Prohibit the entry of, or withdraw the license or privilege of any person or persons, or any group of persons, to enter onto or remain on all or any portion of real property or in any building or facility thereon or attached thereto which is owned or operated by the university; or~~

~~(2) Give notice against trespass by any manner specified in chapter 9A.52 RCW to any person, persons, or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from entering onto or remaining on all or any portion of real property or in any~~

building or facility thereon or attached thereto, which property is owned or operated by the university; or

(3) Order any person, persons, or group of persons to leave or vacate all or a portion of real property or any building or facility thereon or attached thereto which is owned or operated by the university)) designee, has the authority to grant, deny, or withdraw permission for people to be on university property. Any individual who is on university property must comply with university rules. Access to university property may be limited to certain times, certain uses, or certain groups of people. People who are on university property or within a university building without permission may be ordered to leave by any university official.

(2) People who remain on university property without permission, who disrupt university activities, interfere with people's ability to access buildings, or whose conduct threatens the health, safety, or security of anyone on campus may be removed from university property and given a twenty-four-hour trespass notice by the president, the president's designee, or a member of the university police department.

(3) In the event a person's conduct continues to threaten the health, safety, or security of anyone on campus, the president or president's designee may trespass the person from university property for up to one year, except expelled students may permanently be trespassed from campus. Any prior license or privilege to be on university property is revoked by the notice of trespass.

(4) A person who is trespassed from university property shall be given a written notice of trespass identifying:

(a) The reason why the person is being trespassed;

(b) The duration and scope of the trespass;

(c) The method for appealing the notice; and

(d) A warning that failing to comply with the notice may result in the person's arrest and criminal charges under chapter 9A.52 RCW. The notice shall be delivered in the manner specified in chapter 9A.52 RCW.

(5) Appeals.

(a) If a current student is trespassed from campus, the initial trespass notice is considered an interim restriction under WAC 172-121-140 and the student will receive an emergency appeal hearing under WAC 172-121-140 with the vice president for student affairs or designee. The authority to bar students from university property in this regulation is separate from and in addition to the authority of the dean of students or vice president for student affairs under the student conduct code, chapter 172-121 WAC. At the conclusion of the entire student conduct process, a student who is expelled may be permanently trespassed from university property in accordance with WAC 172-121-210 (1)(k).

(b) If a current employee is trespassed from a particular portion of campus the employee does not need to access to perform his or her job (e.g., ejected from Roos Field during a football game), the employee can appeal the decision under (c) of this subsection. If an employee is trespassed from all university property because his or her conduct threatens the health, safety, or security of anyone on campus, the employee will be considered to have been placed on paid administrative leave by issuance of the trespass notice and the university will follow its normal employment processes for investigat-

ing the alleged behavior and determining what level of discipline, if any, is appropriate.

(c) All other persons who have been removed or trespassed from university property may appeal the decision by submitting to the president or president's designee, by certified mail, a letter stating the reasons the person should not be barred from university property within twenty-one days of issuance of the trespass notice. The trespass notice will remain in effect during the pendency of any review period. The president or president's designee shall review all relevant information and issue a written order affirming, modifying, or revoking the trespass order within twenty days after the request for review is received. This decision is the university's final decision.

## WSR 17-22-105

### PROPOSED RULES

### DEPARTMENT OF HEALTH

[Filed October 31, 2017, 9:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-17-148.

Title of Rule and Other Identifying Information: WAC 246-490-075 Changing sex designation on a birth certificate, the department of health (department) is proposing a new rule to establish requirements for individuals to request a change to the sex designation on their birth certificate.

Hearing Location(s): On December 5, 2017, at 1:00 p.m., at the Department of Health, Point Plaza East, Room 152/153, 310 Israel Road S.E., Tumwater, WA 98501. Submit written comments to GenderChangeRuleMaking@doh.wa.gov.

Date of Intended Adoption: December 19, 2017.

Submit Written Comments to: Vicki M. Bouvier, Department of Health, Center for Health Statistics, P.O. Box 47814, Olympia, WA 98504-7814, email <https://fortress.wa.gov/doh/policyreview>, GenderChangeRuleMaking@doh.wa.gov, by December 5, 2017.

Assistance for Persons with Disabilities: Contact Katitza Holthaus, phone 360-236-4308, TTY 360-833-6388 or 711, email [KatitzaHolthaus@doh.wa.gov](mailto:KatitzaHolthaus@doh.wa.gov), by November 21, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed rule is to establish procedural requirements for individuals to change the sex designation on their birth certificate. The proposed rule replaces the current department procedure with an updated procedure and includes male, female, and X as options for sex designation on the birth certificate. The proposed rule only applies to amendments made to birth certificates after the original record is completed at the time of birth.

Reasons Supporting Proposal: The current procedure for changing sex designation on a birth certificate has been in place since 2008. The department is proposing to adopt a modified version of this procedure in rule to provide greater transparency and clarity to those who wish to make this change to their birth certificate. The proposed rule establishes three options for sex designation: Male, female, and X. The X



designation is for people who identify as neither male nor female.

Statutory Authority for Adoption: RCW 43.70.150.

Statute Being Implemented: RCW 43.70.150.

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

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting: Vicki M. Bouvier, 101 Israel Road S.E., Tumwater, WA 98501, 360-236-4233; Implementation: Jean Remsbecker, 101 Israel Road S.E., Tumwater, WA 98501, 360-236-4330; and Enforcement: Christie Spice, 101 Israel Road S.E., Tumwater, WA 98501, 360-236-4307.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Vicki M. Bouvier, P.O. Box 47814, Tumwater, WA 98504-7814, phone 360-236-4233, TTY 360-833-6388 or 711, email GenderChangeRuleMaking@doh.wa.gov.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. This rule does not impact businesses. The proposed rule sets requirements for individuals to apply for a birth certificate amendment and do [does] not apply to businesses.

October 31, 2017

John Wiesman, DrPH, MPH  
Secretary

#### NEW SECTION

**WAC 246-490-075 Changing sex designation on a birth certificate.** (1) For the purposes of this section:

(a) "Adult" means a person who is at least eighteen years of age, or is an emancipated minor under chapter 13.64 RCW.

(b) "Minor" means a person under the age of eighteen years of age, but not an emancipated minor under chapter 13.64 RCW.

(c) "X" means a gender that is not exclusively male or female, including, but not limited to, intersex, agender, amalgender, androgynous, bigender, demigender, female-to-male, genderfluid, genderqueer, male-to-female, neutrois, nonbinary, pangender, third sex, transgender, transsexual, Two Spirit, and unspecified.

(2) Only an adult may apply to change sex designation on a birth certificate for oneself.

(3) Only the parent or legal guardian of a minor may apply to change sex designation on the minor's birth certificate.

(4) To change sex designation on a birth certificate, an adult, or parent or legal guardian of a minor must submit to the department a completed, signed, and dated application provided by the state registrar that includes, at a minimum, the following information for the person named on the birth certificate:

(a) Full name listed on the birth certificate;

(b) Date of birth;

(c) Place of birth;

(d) Mother or parent's full name listed on the birth certificate;

(e) Father or parent's full name listed on the birth certificate, if it appears on the record;

(f) Contact information;

(g) Sex designation requested (male, female, or X); and

(h) Other information requested by the state registrar.

(5) If an adult, or parent or legal guardian cannot provide the information in subsection (4) of this section due to special circumstances; the adult, or parent or legal guardian must submit a written explanation of the circumstances to the state registrar. The department may change the sex designation on the birth certificate if, in the state registrar's judgment, these circumstances prevent the adult, or parent or legal guardian from knowing one or more of the required items.

(6) The sex designation change application of an adult must be notarized and signed under penalty of perjury pursuant to chapter 9A.72 RCW.

(7) The sex designation change application of a minor must include a signed statement by the minor's licensed health care provider attesting that:

(a) The minor identified on the application is under the care of the provider; and

(b) The provider has determined the request to change sex designation on the birth certificate is consistent with the minor's identity.

(8) Only licensed health care providers whose scope of practice allows for attestation of a sex designation change may provide this attestation.

#### **WSR 17-22-111**

#### **PROPOSED RULES**

#### **DEPARTMENT OF**

#### **LABOR AND INDUSTRIES**

[Filed October 31, 2017, 11:13 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 16-13-121.

Title of Rule and Other Identifying Information: Chapter 296-840 WAC, Respirable crystalline silica; WAC 296-841-20025 Permissible exposure limits (PELs) and 296-307-62625 Permissible exposure limits of air contaminants.

Hearing Location(s): On December 15, 2017, at 9:00 a.m., at the Department of Labor and Industries (L&I), 7273 Linderson Way S.W., Room S119, Tumwater, WA 98501.

Date of Intended Adoption: January 23, 2018.

Submit Written Comments to: Josefina Magana, P.O. Box 44620, Olympia, WA 98504-4620, email josefina.magana@lni.wa.gov, fax 360-902-5619, by December 22, 2017.

Assistance for Persons with Disabilities: Contact Josefina Magana, phone 360-902-4233, fax 360-902-5619, email Josefina.Magana@lni.wa.gov, by December 1, 2017.

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

Safety and Health Administration (OSHA) estimates that an approximate number of two million construction workers are exposed to respirable crystalline silica in over six hundred thousand workplaces and two hundred ninety-five thousand workers in over seventy-five thousand general industry and maritime workplaces. Thus, federal OSHA requirements pertaining to respirable crystalline silica in both 29 C.F.R. 1926.1153 (Construction) and 29 C.F.R. 1910.1053 (General Industry/Maritime) went into effect June 23, 2016.

The purpose of this proposal is to add a new chapter 296-840 WAC, Respirable crystalline silica, to address and limit worker exposure to respirable crystalline silica in workplaces, with the intent of curbing lung cancer incidents, silicosis, chronic obstructive pulmonary disease and kidney disease in Washington workers.

The division of occupational safety and health (DOSH) did not have a standard that specifically addressed respirable crystalline silica exposure in the workplace, thus we are combining OSHA's two rules into an entirely new chapter to ensure that Washington's OSHA's rules are "at-least-as-effective-as" those promulgated by OSHA. Furthermore, the following sections under WAC 296-841-20025 and 296-307-62625 will be updated to reference the respirable crystalline silica rule. The proposed changes include:

#### Amended Sections

##### **WAC 296-841-20025 Permissible exposure limits (PELs) and 296-307-62625 Permissible exposure limits of air contaminants.**

- Update table to reflect current PEL requirements.

#### New Sections

##### **WAC 296-840-095 Definitions.**

- Add definitions for the following: Action level, competent person, construction work, director, DOSH, employee exposure, high-efficiency particulate air filter, objective data, PEL, physician or other licensed health care professional, regulated area, respirable crystalline silica, specialist.

##### **WAC 296-840-100 Scope and application.**

- Add this section to explain that this chapter covers occupational exposures to respirable crystalline silica.
- This section also provides exemptions to this proposed rule.

##### **WAC 296-840-105 Exposure assessment.**

- Add this section to address the following areas that relate to occupational exposures to respirable crystalline silica:
  - PEL
  - Exposure assessment
  - Reassessment of exposures
  - Methods of sample analysis
  - Employee notification of assessment results
  - Observation of monitoring

##### **WAC 296-840-110 Specified exposure control methods.**

- Add this section relating to construction work and other occupational exposures where the task performed is

indistinguishable from a construction task identified in Table 1 of this proposed rule.

- Add language to this section relating to implementing control measures.
- Add language to this section relating to when respiratory protection is required.
- Add Table 1 to this section relating to specified exposure control methods when working with materials containing crystalline silica.

##### **WAC 296-840-115 Regulated areas.**

- Add this section for general industry/maritime, required to be established in areas where exposures exceed PEL and to limit access to the area.

##### **WAC 296-840-120 Methods of compliance.**

- Add methods of compliance where tasks listed in Table 1 do not apply, including engineering and work practice controls, as well as abrasive blasting.

##### **WAC 296-840-125 Respiratory protection.**

- Add this section that highlights requirements for respiratory protection.

##### **WAC 296-840-130 Respiratory protection program.**

- Add respiratory protection program in accordance with chapter 296-842 WAC, Respirators.
- Add respirator use in accordance with Table 1.

##### **WAC 296-840-135 Housekeeping.**

- Add this section that addresses how a contaminated space can be cleaned.

##### **WAC 296-840-140 Written exposure control plan.**

- Add requirements that apply to both general industry/maritime and construction industries.
- Add a written plan with a description of tasks that involve exposure to silica, engineering control work practices and respiratory protection.
- Add language that indicates employers should have written plan available to each employee.
- Add language for construction that requires procedures used to restrict access to work areas.
- Add requirement language relating to a competent person.

##### **WAC 296-840-145 Medical surveillance.**

- Add this section that requires medical surveillance to be available. Medical surveillance includes an initial examination, periodic examinations, and where needed examinations by a specialist.
- Add tuberculosis form to help ensure tuberculosis assessment is thorough.

##### **WAC 296-840-150 Communication of respirable crystalline silica hazards to employees.**

- Add section that requires employers to comply with chapter 296-901 WAC, Globally harmonized system for hazard communication.
- Add language that specifies what to include in posted signs.
- Add language indicating that employees must understand health hazards associated with silica, tasks that

could result in exposure, and measures to protect workers from exposure.

**WAC 296-840-155 Recordkeeping.**

- Add this section indicating employers must maintain records of exposure and objective data that describes employee exposure, and medical surveillance methods.

**WAC 296-840-160 Effective dates.**

- Add language indicating when this proposed rule becomes effective for construction and general/maritime industry.

**WAC 296-840-165 Appendix A—Methods of sample analysis.**

- Add this section that explains the process employers are required to use when analyzing air samples and quality control procedures for respirable crystalline silica.

Reasons Supporting Proposal: By law, L&I's DOSH is required to update our rules to be at-least-as-effective-as federal OSHA.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Statute Being Implemented: Chapter 49.17 RCW.

Rule is necessary because of federal law, 29 C.F.R. 1910.1053 Subpart Z and 29 C.F.R. 1926 Subpart Z.

Name of Proponent: L&I, governmental.

Name of Agency Personnel Responsible for Drafting: Chris Miller, Tumwater, Washington, 360-902-5516; Implementation and Enforcement: Anne Soiza, Tumwater, Washington, 360-902-5090.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. A cost-benefit analysis is not required as this rule making is adopting or incorporating by reference, without material change, federal statutes or regulatory changes.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Citation of the specific federal statute or regulation and description of the consequences to the state if the rule is not adopted: 29 C.F.R. 1910.1053 Subpart Z and 29 C.F.R. 1926 Subpart Z. If L&I doesn't adopt the new regulations, we would not be as-effective-as federal OSHA.

October 31, 2017  
Joel Sacks  
Director

AMENDATORY SECTION (Amending WSR 06-08-087, filed 4/4/06, effective 9/1/06)

**WAC 296-307-62625 Permissible exposure limits of air contaminants.**

**IMPORTANT:**

The following information applies to Table 3, Permissible Exposure Limits for Air Contaminants.

- Exposure needs to be determined from personal air samples taken in the breathing zone or from monitoring representative of the employee's breathing zone.

- Ppm refers to parts of vapor or gas per million parts of air by volume, at 25 degrees C and 760 mm Hg pressure.

- Mg/m<sup>3</sup> refers to milligrams of substance per cubic meter of air.

- For a metal that is measured as the metal itself, only the CAS number for the metal is given. The CAS numbers for individual compounds of the metal are not provided. For more information about CAS registry numbers see the web site: <http://www.cas.org>.

- Time weighted averages (TWA<sub>8</sub>) represent the maximum allowed average exposure for any 8-hour time period. For work periods longer than 8 hours the TWA<sub>8</sub> needs to be determined using the 8 continuous hours with the highest average concentration.

- Short-term exposure limits (STEL) represent maximum allowed average exposure for any fifteen-minute period, unless another time period is noted in Table 3.

- The ceiling represents the maximum allowed exposure for the shortest time period that can feasibly be measured.

- An "X" in the "skin" column indicates the substance can be absorbed through the skin, either by airborne or direct contact.

- Requirements for the use of gloves, coveralls, goggles, and other personal protective equipment can be found in WAC 296-307-100.

- The respirable fraction of particulate is measured by sampling with a size-selector having the following characteristics:

Mean aerodynamic diameter in micrometers	Percent passing the selector
1	97
2	91
3	74
4	50
5	30
6	17
7	9
8	5
10	1

**Table 3 "Permissible Exposure Limits for Air Contaminants"**

Substance	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Abate (Temephos)	3383-96-8	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—

Substance	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Acetaldehyde	75-07-0	100 ppm	150 ppm	—	—
Acetic acid	64-19-7	10 ppm	20 ppm	—	—
Acetic anhydride	108-24-7	—	—	5 ppm	—
Acetone	67-64-1	750 ppm	1,000 ppm	—	—
Acetonitrile	75-05-8	40 ppm	60 ppm	—	—
2-Acetylaminofluorene	53-96-3	—	—	—	—
Acetylene	74-86-2	Simple asphyxiant	—	—	—
Acetylene dichloride (1,2-Dichloroethylene)	540-59-0	200 ppm	250 ppm	—	—
Acetylene tetrabromide	79-27-6	1 ppm	3 ppm	—	—
Acetylsalicylic acid (Aspirin)	50-78-2	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Acrolein	107-02-8	0.1 ppm	0.3 ppm	—	—
Acrylamide	79-06-1	0.03 mg/m <sup>3</sup>	0.09 mg/m <sup>3</sup>	—	X
Acrylic acid	79-10-7	10 ppm	20 ppm	—	X
Acrylonitrile (Vinyl cyanide)	107-13-1	2 ppm	10 ppm	—	—
Aldrin	309-00-2	0.25 mg/m <sup>3</sup>	0.75 mg/m <sup>3</sup>	—	X
Allyl alcohol	107-18-6	2 ppm	4 ppm	—	X
Allyl chloride	107-05-1	1 ppm	2 ppm	—	—
Allyl glycidyl ether (AGE)	106-92-3	5 ppm	10 ppm	—	—
Allyl propyl disulfide	2179-59-1	2 ppm	3 ppm	—	—
alpha-Alumina (Aluminum oxide)	1344-28-1	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Aluminum (as Al)	7429-90-5	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Pyro powders	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Welding fumes	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Soluble salts	—	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
Alkyls (NOC)	—	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
Aluminum oxide (Alundum, Corundum)	7429-90-5	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
4-Aminodiphenyl	92-67-1	—	—	—	—
2-Aminoethanol (Ethanolamine)	141-43-5	3 ppm	6 ppm	—	—
2-Aminopyridine	504-29-0	0.5 ppm	1.5 ppm	—	—
Amitrole	61-82-5	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	—
Ammonia	7664-41-7	25 ppm	35 ppm	—	—
Ammonium chloride, fume	12125-02-9	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Ammonium sulfamate (Ammate)	7773-06-0	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5.0 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
n-Amyl acetate	628-63-7	100 ppm	150 ppm	—	—
sec-Amyl acetate	626-38-0	125 ppm	156 ppm	—	—
Aniline and homologues	62-53-3	2 ppm	4 ppm	—	X
Anisidine (o, p-isomers)	29191-52-4	0.1 ppm	0.3 ppm	—	X
Antimony and compounds (as Sb)	7440-36-0	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	—
ANTU (alpha Naphthyl thiourea)	86-88-4	0.3 mg/m <sup>3</sup>	0.9 mg/m <sup>3</sup>	—	—
Argon	7440-37-1	Simple asphyxiant	—	—	—

Substance	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Arsenic, organic compounds (as As)	7440-38-2	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	—
Arsenic, inorganic compounds (as As) (when use is covered by WAC 296-62-07347)	7440-38-2	0.01 mg/m <sup>3</sup>	—	—	—
Arsenic, inorganic compounds (as As) (when use is not covered by WAC 296-62-07347)	7440-38-2	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	—
Arsine	7784-42-1	0.05 ppm	0.15 ppm	—	—
Asbestos	—	—	—	—	—
Asphalt (Petroleum fumes)	8052-42-4	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Atrazine	1912-24-9	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Azinphos methyl (Guthion)	86-50-0	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	X
Azodrin (Monocrotophos)	6923-22-4	0.25 mg/m <sup>3</sup>	0.75 mg/m <sup>3</sup>	—	—
Barium, soluble compounds (as Ba)	7440-39-3	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	—
Barium sulfate	7727-43-7	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Baygon (Propoxur)	114-26-1	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	—
Benomyl	17804-35-2	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Benzene	71-43-2	1 ppm	5 ppm	—	—
Benzidine	92-87-5	—	—	—	—
p-Benzoquinone (Quinone)	106-51-4	0.1 ppm	0.3 ppm	—	—
Benzo(a) pyrene (Coal tar pitch volatiles)	65996-93-2	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	—
Benzoyl peroxide	94-36-0	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Benzyl chloride	100-44-7	1 ppm	3 ppm	—	—
Beryllium and beryllium compounds (as Be) (See WAC 296-62-085)	7440-41-7	((0.002)) 0.0002 mg/m <sup>3</sup>	((0.005)) 0.002 mg/m <sup>3</sup> (30 min.)	((0.025)) 0.02 mg/m <sup>3</sup>	—
Biphenyl (Diphenyl)	92-52-4	0.2 ppm	0.6 ppm	—	—
Bismuth telluride, undoped	1304-82-1	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Bismuth telluride, Se-doped	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Borates, tetra, sodium salts	—	—	—	—	—
Anhydrous	1330-43-4	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Decahydrate	1303-96-4	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Pentahydrate	12179-04-3	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Boron oxide	1303-86-2	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Boron tribromide	10294-33-4	—	—	1 ppm	—
Boron trifluoride	6737-07-2	—	—	1 ppm	—
Bromacil	314-40-9	1 ppm	3 ppm	—	—
Bromine	7726-95-6	0.1 ppm	0.3 ppm	—	—
Bromine pentafluoride	7789-30-2	0.1 ppm	0.3 ppm	—	—
Bromochloromethane (Chlorobromomthane)	74-97-5	200 ppm	250 ppm	—	—
Bromoform	15-25-2	0.5 ppm	1.5 ppm	—	X
Butadiene (1,3-butadiene)	106-99-0	1 ppm	5 ppm	—	—
Butane	106-97-8	800 ppm	1,000 ppm	—	—

Substance	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Butanethiol (Butyl mercaptan)	109-79-5	0.5 ppm	1.5 ppm	—	—
2-Butanone (Methyl ethyl ketone)	78-93-3	200 ppm	300 ppm	—	—
2-Butoxy ethanol (Butyl cellosolve)	111-76-2	25 ppm	38 ppm	—	X
n-Butyl acetate	123-86-4	150 ppm	200 ppm	—	—
sec-Butyl acetate	105-46-4	200 ppm	250 ppm	—	—
tert-Butyl acetate	540-88-5	200 ppm	250 ppm	—	—
Butyl acrylate	141-32-2	10 ppm	20 ppm	—	—
n-Butyl alcohol	71-36-3	—	—	50 ppm	X
sec-Butyl alcohol	78-92-2	100 ppm	150 ppm	—	—
tert-Butyl alcohol	75-65-0	100 ppm	150 ppm	—	—
Butylamine	109-73-9	—	—	5 ppm	X
Butyl cellosolve (2-Butoxy ethanol)	111-76-2	25 ppm	38 ppm	—	—
tert-Butyl chromate (as CrOs)	1189-85-1	—	—	0.1 mg/m <sup>3</sup>	X
n-Butyl glycidyl ether (BGE)	2426-08-6	25 ppm	38 ppm	—	—
n-Butyl lactate	138-22-7	5 ppm	10 ppm	—	—
Butyl mercaptan	109-79-5	0.5 ppm	1.5 ppm	—	—
o-sec-Butylphenol	89-72-5	5 ppm	10 ppm	—	X
p-tert-Butyl-toluene	98-51-1	10 ppm	20 ppm	—	—
Cadmium oxide fume (as Cd)	1306-19-0	0.005 mg/m <sup>3</sup>	—	—	—
Cadmium dust and salts (as Cd)	7440-43-9	0.005 mg/m <sup>3</sup>	—	—	—
Calcium arsenate	—	0.01 mg/m <sup>3</sup>	—	—	—
Calcium carbonate	1317-65-3	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Calcium cyanamide	156-62-7	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	—
Calcium hydroxide	1305-62-0	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Calcium oxide	1305-78-8	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
Calcium silicate	1344-95-2	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Calcium sulfate	7778-18-9	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Camphor (synthetic)	76-22-2	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
Caprolactam	105-60-2	—	—	—	—
Dust	—	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Vapor	—	5 ppm	10 ppm	—	—
Captafol (Difolatan)	2425-06-1	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Captan	133-06-2	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Carbaryl (Sevin)	63-25-2	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Carbofuran (Furadon)	1563-66-2	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Carbon black	1333-86-4	3.5 mg/m <sup>3</sup>	7 mg/m <sup>3</sup>	—	—
Carbon dioxide	124-38-9	5,000 ppm	30,000 ppm	—	—
Carbon disulfide	75-15-0	4 ppm	12 ppm	—	X
Carbon monoxide	630-08-0	35 ppm	200 ppm (5 min.)	1,500 ppm	—
Carbon tetrabromide	558-13-4	0.1 ppm	0.3 ppm	—	—
Carbon tetrachloride (Tetrachloromethane)	56-23-5	2 ppm	4 ppm	—	X
Carbonyl chloride (Phosgene)	7803-51-2	0.1 ppm	0.3 ppm	—	—
Carbonyl fluoride	353-50-4	2 ppm	5 ppm	—	—

Substance	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Catechol (Pyrocatechol)	120-80-9	5 ppm	10 ppm	—	X
Cellosolve acetate (2-Ethoxyethylacetate)	111-15-9	5 ppm	10 ppm	—	X
Cellulose (paper fiber)	9004-34-6	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Cesium hydroxide	21351-79-1	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
Chlordane	57-74-9	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	X
Chlorinated camphene (Toxaphen)	8001-35-2	0.5 mg/m <sup>3</sup>	1 mg/m <sup>3</sup>	—	X
Chlorinated diphenyl oxide	55720-99-5	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	—
Chlorine	7782-50-5	0.5 ppm	—	1 ppm	—
Chlorine dioxide	10049-04-4	0.1 ppm	0.3 ppm	—	—
Chlorine trifluoride	7790-91-2	—	—	0.1 ppm	—
Chloroacetaldehyde	107-20-0	—	—	1 ppm	—
a-Chloroacetophenone (Phenacyl chloride)	532-21-4	0.05 ppm	0.15 ppm	—	—
Chloroacetyl chloride	79-04-9	0.05 ppm	0.15 ppm	—	—
Chlorobenzene (Monochlorobenzene)	108-90-7	75 ppm	113 ppm	—	—
o-Chlorobenzylidene malononitrile (OCBM)	2698-41-1	—	—	0.05 ppm	X
Chlorobromomethane	74-97-5	200 ppm	250 ppm	—	—
2-Chloro-1, 3-butadiene (beta-Chloroprene)	126-99-8	10 ppm	20 ppm	—	X
Chlorodifluoromethane	75-45-6	1,000 ppm	1,250 ppm	—	—
Chlorodiphenyl (42% Chlorine) (PCB) (Polychlorobiphenyls)	53469-21-9	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	X
Chlorodiphenyl (54% Chlorine) (Polychlorobiphenyls (PCB))	11097-69-1	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	X
1-Chloro-2, 3-epoxypropane (Epichlorhydrin)	106-89-8	2 ppm	4 ppm	—	X
2-Chloroethanol (Ethylene chlorohydrin)	107-07-3	—	—	1 ppm	X
Chloroethylene (vinyl chloride)	75-01-4	1 ppm	5 ppm	—	—
Chloroform (Trichloromethane)	67-66-3	2 ppm	4 ppm	—	—
1-Chloro-1-nitropropane	600-25-9	2 ppm	4 ppm	—	—
bis-Chloromethyl ether	542-88-1	—	—	—	—
Chloromethyl methyl ether (Methyl chloromethyl ether)	107-30-2	—	—	—	—
Chloropentafluoroethane	76-15-3	1,000 ppm	1,250 ppm	—	—
Chloropicrin (Nitrotrichloromethane)	76-06-2	0.1 ppm	0.3 ppm	—	—
beta-Chloroprene (2-Chloro-1, 3-butadiene)	126-99-8	10 ppm	20 ppm	—	X
o-Chlorostyrene	2039-87-4	50 ppm	75 ppm	—	—
o-Chlorotoluene	95-49-8	50 ppm	75 ppm	—	—
2-Chloro-6-trichloromethyl pyridine (Nitrapyrin)	1929-82-4	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Chlorpyrifos	2921-88-2	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	X
Chromic acid and chromates (as CrO <sub>3</sub> )	Varies with compound	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Chromium, soluble, chromic and chromous salts (as Cr)	7440-47-3	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	—
Chromium (VI) compounds (as Cr)	—	0.05 mg/m <sup>3</sup>	0.15 mg/m <sup>3</sup>	—	—

Substance	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Chromium metal and insoluble salts	7440-47-3	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	—
Chromyl chloride	14977-61-8	0.025 ppm	0.075 ppm	—	—
Chrysene (Coal tar pitch volatiles)	65996-93-2	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	—
Clopidol	2971-90-6	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Coal dust (less than 5% SiO <sub>2</sub> )	—	—	—	—	—
Respirable fraction	—	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
Coal dust (greater than or equal to 5% SiO <sub>2</sub> )	—	—	—	—	—
Respirable fraction	—	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Coal tar pitch volatiles (benzene soluble fraction) (Particulate polycyclic aromatic hydrocarbons)	65996-93-2	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	—
Cobalt, metal fume & dust (as Co)	7440-48-4	0.05 mg/m <sup>3</sup>	0.15 mg/m <sup>3</sup>	—	—
Cobalt carbonyl (as Co)	10210-68-1	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Cobalt hydrocarbonyl (as Co)	16842-03-8	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Coke oven emissions	—	0.15 mg/m <sup>3</sup>	—	—	—
Copper (as Cu)	7440-50-8	—	—	—	—
Fume	—	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Dusts and mists	—	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Cotton dust (raw) (waste sorting, blending, cleaning, willowing and gartting)	—	1 mg/m <sup>3</sup>	—	—	—
Corundum (Aluminum oxide)	7429-90-5	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Crag herbicide (Sesone, Sodium-2, 4-dichloro-phenoxyethyl sulfate)	136-78-7	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Cresol (all isomers)	1319-77-3	5 ppm	10 ppm	—	X
Crotonaldehyde	123-73-9; 4170-30-3	2 ppm	4 ppm	—	—
Crufomate	299-86-5	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Cumene	98-82-8	50 ppm	75 ppm	—	X
Cyanamide	420-04-2	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
Cyanide (as CN)	Varies with compound	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	X
Cyanogen	460-19-5	10 ppm	20 ppm	—	—
Cyanogen chloride	506-77-4	—	—	0.3 ppm	—
Cyclohexane	110-82-7	300 ppm	375 ppm	—	—
Cyclohexanol	108-93-0	50 ppm	75 ppm	—	X
Cyclohexanone	108-94-1	25 ppm	38 ppm	—	X
Cyclohexene	110-83-8	300 ppm	375 ppm	—	—
Cyclohexylamine	108-91-8	10 ppm	20 ppm	—	—
Cyclonite (RDX)	121-82-4	1.5 mg/m <sup>3</sup>	3.0 mg/m <sup>3</sup>	—	X
Cyclopentadiene	542-92-7	75 ppm	113 ppm	—	—
Cyclopentane	287-92-3	600 ppm	750 ppm	—	—
Cyhexatin (Tricyclohexyltin hydroxide)	13121-70-5	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
2,4-D (Dichlorophenoxy-acetic acid)	94-75-7	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—



Substance	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
DBCP (1,2-Dibromo-3-chloropropane)	96-12-8	0.001 ppm	—	0.005 ppm	—
DDT (Dichlorodiphenyltri-chloroethane)	50-29-3	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	X
DDVP, (Dichlorvos)	62-73-7	0.1 ppm	0.3 ppm	—	X
Dasanit (Fensulfothion)	115-90-2	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Decaborane	17702-41-9	0.05 ppm	0.15 ppm	—	X
Demeton	8065-48-3	0.01 ppm	0.03 ppm	—	X
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	123-42-2	50 ppm	75 ppm	—	—
1, 2-Diaminoethane (Ethylenediamine)	107-15-3	10 ppm	20 ppm	—	—
Diazinon	333-41-5	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Diazomethane	334-88-3	0.2 ppm	0.6 ppm	—	—
Diborane	19287-45-7	0.1 ppm	0.3 ppm	—	—
Dibrom (see Naled)	300-76-5	3 mg/m <sup>3</sup>	6 mg/m <sup>3</sup>	—	X
1, 2-Dibromo-3-chloropropane (DBCP)	96-12-8	0.001 ppm	—	0.005 ppm	—
2-N-Dibutylamino ethanol	102-81-8	2 ppm	4 ppm	—	X
Dibutyl phosphate	107-66-4	1 ppm	2 ppm	—	—
Dibutyl phthalate	84-74-2	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Dichloroacetylene	7572-29-4	—	—	0.1 ppm	—
o-Dichlorobenzene	95-50-1	—	—	50 ppm	—
p-Dichlorobenzene	106-46-7	75 ppm	110 ppm	—	—
3, 3'-Dichlorobenzidine	91-94-1	—	—	—	—
Dichlorodiphenyltri-chloroethane (DDT)	50-29-3	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	X
Dichlorodifluoromethane	75-71-8	1,000 ppm	1,250 ppm	—	—
1, 3-Dichloro-5, 5-dimethyl hydantoin	118-52-5	0.2 mg/m <sup>3</sup>	0.4 mg/m <sup>3</sup>	—	—
1, 1-Dichloroethane (Ethyldine chloride)	75-34-3	100 ppm	150 ppm	—	—
1, 2-Dichloroethane (Ethylene dichloride)	107-06-2	1 ppm	2 ppm	—	—
1, 1-Dichloroethylene (Vinylidene chloride)	75-35-4	1 ppm	3 ppm	—	—
1, 2-Dichloroethylene (Acetylene dichloride)	540-59-0	200 ppm	250 ppm	—	—
Dichloroethyl ether	111-44-4	5 ppm	10 ppm	—	X
Dichlorofluoromethane	75-43-4	10 ppm	20 ppm	—	—
Dichloromethane (Methylene chloride)	75-09-2	25 ppm	125 ppm	—	—
1, 1-Dichloro-1-nitroethane	594-72-9	2 ppm	10 ppm	—	—
Dichlorophenoxyacetic acid (2, 4-D)	94-75-7	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
1, 2-Dichloropropane (Propylene dichloride)	78-87-5	75 ppm	110 ppm	—	—
Dichloropropene	542-75-6	1 ppm	3 ppm	—	X
2, 2-Dichloropropionic acid	75-99-0	1 ppm	3 ppm	—	—
Dichlorotetrafluoroethane	76-14-2	1,000 ppm	1,250 ppm	—	—
Dichlorvos (DDVP)	62-73-7	0.1 ppm	0.3 ppm	—	X
Dicrotophos	141-66-2	0.25 mg/m <sup>3</sup>	0.75 mg/m <sup>3</sup>	—	X
Dicyclopentadiene	77-73-6	5 ppm	10 ppm	—	—
Dicyclopentadienyl iron	102-54-5	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Dieldrin	60-57-1	0.25 mg/m <sup>3</sup>	0.75 mg/m <sup>3</sup>	—	X
Diethanolamine	111-42-2	3 ppm	6 ppm	—	—
Diethylamine	109-89-7	10 ppm	25 ppm	—	—
2-Diethylaminoethanol	100-37-8	10 ppm	20 ppm	—	X

Substance	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Diethylene triamine	111-40-0	1 ppm	3 ppm	—	X
Diethyl ether (Ethyl ether)	60-29-7	400 ppm	500 ppm	—	—
Diethyl ketone	96-22-0	200 ppm	250 ppm	—	—
Diethyl phthalate	84-66-2	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Difluorodibromomethane	75-61-6	100 ppm	150 ppm	—	—
Difolatan (Captafol)	2425-06-1	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Diglycidyl ether (DGE)	2238-07-5	0.1 ppm	0.3 ppm	—	—
Dihydroxybenzene (Hydroquinone)	123-31-9	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
Diisobutyl ketone (2, 6-Dimethylheptanone)	108-83-8	25 ppm	38 ppm	—	—
Diisopropylamine	108-18-9	5 ppm	10 ppm	—	X
Dimethoxymethane (Methylal)	109-87-5	1,000 ppm	1,250 ppm	—	—
Dimethyl acetamide	127-19-5	10 ppm	20 ppm	—	X
Dimethylamine	124-40-3	10 ppm	20 ppm	—	—
4-Dimethylaminoazo benzene	60-11-7	—	—	—	—
Dimethylaminobenzene (Xylidene)	1300-73-8	2 ppm	4 ppm	—	X
Dimethylaniline (N, N-Dimethylaniline)	121-69-7	5 ppm	10 ppm	—	X
Dimethylbenzene (Xylene)	1300-73-8	100 ppm	150 ppm	—	—
Dimethyl-1, 2-dibromo-2, 2-dichloroethyl phosphate (Naled)	300-76-5	3 mg/m <sup>3</sup>	6 mg/m <sup>3</sup>	—	X
Dimethylformamide	68-12-2	10 ppm	20 ppm	—	X
2, 6-Dimethylheptanone (Diisobutyl ketone)	108-83-8	25 ppm	38 ppm	—	—
1, 1-Dimethylhydrazine	57-14-7	0.5 ppm	1.5 ppm	—	X
Dimethyl phthalate	131-11-3	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Dimethyl sulfate	77-78-1	0.1 ppm	0.3 ppm	—	X
Dinitolmide (3, 5-Dinitro-o-toluamide)	148-01-6	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Dinitrobenzene (all isomers - alpha, meta and para)	528-29-0; 99-65-0; 100-25-4	0.15 ppm	0.45 ppm	—	X
Dinitro-o-cresol	534-52-1	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	X
3, 5-Dinitro-o-toluamide (Dinitolmide)	148-01-6	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Dinitrotoluene	25321-14-6	1.5 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	X
Dioxane (Diethylene dioxide)	123-91-1	25 ppm	38 ppm	—	X
Dioxathion	78-34-2	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	X
Diphenyl (Biphenyl)	92-52-4	0.2 ppm	0.6 ppm	—	—
Diphenylamine	122-39-4	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Diphenylmethane diisocyanate (Methylene bisphenyl isocyanate (MDI))	101-68-8	—	—	0.02 ppm	—
Dipropylene glycol methyl ether	34590-94-8	100 ppm	150 ppm	—	X
Dipropyl ketone	123-19-3	50 ppm	75 ppm	—	—
Diquat	85-00-7	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	—
Di-sec, Octyl phthalate (Di-2-ethylhexylphthalate)	117-81-7	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Disulfam	97-77-8	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
Disulfoton	298-04-4	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
2, 6-Di-tert-butyl-p-cresol	128-37-0	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Diuron	330-54-1	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Divinyl benzene	1321-74-0	10 ppm	20 ppm	—	—
Emery	12415-34-8	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—

Substance	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Endosulfan (Thiodan)	115-29-7	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Endrin	72-20-8	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Epichlorhydrin (1-Chloro-2,3-epoxypropane)	106-89-8	2 ppm	4 ppm	—	X
EPN	2104-64-5	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	X
1, 2-Epoxypropane (Propylene oxide)	75-56-9	20 ppm	30 ppm	—	—
2, 3-Epoxy-1-propanol (Glycidol)	556-52-5	25 ppm	38 ppm	—	—
Ethane	—	Simple asphyxiant	—	—	—
Ethanethiol (Ethyl mercaptan)	75-08-1	0.5 ppm	1.5 ppm	—	—
Ethanol (Ethyl alcohol)	64-17-5	1,000 ppm	1,250 ppm	—	—
Ethanolamine (2-Aminoethanol)	141-43-5	3 ppm	6 ppm	—	—
Ethion	563-12-2	0.4 mg/m <sup>3</sup>	1.2 mg/m <sup>3</sup>	—	X
2-Ethoxyethanol (Glycol monoethyl ether)	110-80-5	5 ppm	10 ppm	—	X
2-Ethoxyethyl acetate (Cellosolve acetate)	111-15-9	5 ppm	10 ppm	—	X
Ethyl acetate	141-78-6	400 ppm	500 ppm	—	—
Ethyl acrylate	140-88-5	5 ppm	25 ppm	—	X
Ethyl alcohol (ethanol)	64-17-5	1,000 ppm	1,250 ppm	—	—
Ethylamine	75-04-07	10 ppm	20 ppm	—	—
Ethyl amyl ketone (5-Methyl-3-heptanone)	541-85-5	25 ppm	38 ppm	—	—
Ethyl benzene	100-41-4	100 ppm	125 ppm	—	—
Ethyl bromide	74-96-4	200 ppm	250 ppm	—	—
Ethyl butyl ketone (3-Heptanone)	106-35-4	50 ppm	75 ppm	—	—
Ethyl chloride	75-00-3	1,000 ppm	1,250 ppm	—	—
Ethylene	74-85-1	Simple asphyxiant	—	—	—
Ethylene chlorohydrin (2-Chloroethanol)	107-07-3	—	—	1 ppm	X
Ethylenediamine (1,2-Diaminoethane)	107-15-3	10 ppm	20 ppm	—	X
Ethylene dibromide	106-93-4	0.1 ppm	0.5 ppm	—	—
Ethylene dichloride (1,2-Dichloroethane)	107-06-2	1 ppm	2 ppm	—	—
Ethylene glycol	107-21-1	—	—	50 ppm	—
Ethylene glycol dinitrate	628-96-6	—	0.1 mg/m <sup>3</sup>	—	X
Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)	—	5 ppm	10 ppm	—	X
Ethyleneimine	151-56-4	—	—	—	X
Ethylene oxide	75-21-8	1 ppm	5 ppm	—	—
Ethyl ether (Diethyl ether)	60-29-7	400 ppm	500 ppm	—	—
Ethyl formate	109-94-4	100 ppm	125 ppm	—	—
Ethylidene chloride (1, 1-Dichloroethane)	107-06-2	1 ppm	2 ppm	—	—
Ethylidene norbornene	16219-75-3	—	—	5.0 ppm	—
Ethyl mercaptan (Ethanethiol)	75-08-1	0.5 ppm	1.5 ppm	—	—
n-Ethylmorpholine	100-74-3	5 ppm	10 ppm	—	X
Ethyl sec-amyl ketone (5-methyl-3-heptanone)	541-85-5	25 ppm	38 ppm	—	—
Ethyl silicate	78-10-4	10 ppm	20 ppm	—	—
Fenamiphos	22224-92-6	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Fensulfothion (Dasanit)	115-90-2	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Fenthion	55-38-9	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	X
Ferbam	—	—	—	—	—

Substance	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Total particulate	14484-64-1	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Ferrovandium dust	12604-58-9	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Fluorides (as F)	Varies with compound	2.5 mg/m <sup>3</sup>	5 mg/m <sup>3</sup>	—	—
Fluorine	7782-41-4	0.1 ppm	0.3 ppm	—	—
Fluorotrichloromethane (see Trichlorofluoro methane)	75-69-4	—	—	1,000 ppm	—
Fonofos	944-22-9	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Formaldehyde	50-00-0	0.75 ppm	2 ppm	—	—
Formamide	75-12-7	20 ppm	30 ppm	—	—
Formic acid	64-18-6	5 ppm	10 ppm	—	—
Furadon (carbofuran)	1563-66-2	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Furfural	98-01-1	2 ppm	4 ppm	—	X
Furfuryl alcohol	98-00-0	10 ppm	15 ppm	—	X
Gasoline	8006-61-9	300 ppm	500 ppm	—	—
Germanium tetrahydride	7782-65-2	0.2 ppm	0.6 ppm	—	—
Glass, fibrous or dust	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Gluteraldehyde	111-30-8	—	—	0.2 ppm	—
Glycerin mist	56-81-5	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Glycidol (2, 3-Epoxy-1-propanol)	556-52-5	25 ppm	38 ppm	—	—
Glycol monoethyl ether (2-Ethoxyethanol)	110-80-5	5 ppm	10 ppm	—	X
Grain dust (oat, wheat, barley)	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Graphite, natural	7782-42-5	—	—	—	—
Respirable particulate	—	2.5 mg/m <sup>3</sup>	5 mg/m <sup>3</sup>	—	—
Graphite, synthetic	—	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Guthion (Azinphosmethyl)	86-50-0	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	X
Gypsum	13397-24-5	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Hafnium	7440-58-6	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	—
Helium	—	Simple asphyxiant	—	—	—
Heptachlor	76-44-8	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	X
Heptane (n-heptane)	142-82-5	400 ppm	500 ppm	—	—
2-Heptanone (Methyl n-amyl ketone)	110-43-0	50 ppm	75 ppm	—	—
3-Heptanone (Ethyl butyl ketone)	106-35-4	50 ppm	75 ppm	—	—
Hexachlorobutadiene	87-68-3	0.02 ppm	0.06 ppm	—	X
Hexachlorocyclopentadiene	77-47-4	0.01 ppm	0.03 ppm	—	—
Hexachloroethane	67-72-1	1 ppm	3 ppm	—	X
Hexachloronaphthalene	1335-87-1	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	X
Hexafluoroacetone	684-16-2	0.1 ppm	0.3 ppm	—	X
Hexane	—	—	—	—	—
n-hexane	110-54-3	50 ppm	75 ppm	—	—
other isomers	Varies with compound	500 ppm	1,000 ppm	—	—
2-Hexanone (Methyl-n-butyl ketone)	591-78-6	5 ppm	10 ppm	—	—
Hexone (Methyl isobutyl ketone)	108-10-1	50 ppm	75 ppm	—	—

Substance	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
sec-Hexyl acetate	108-84-9	50 ppm	75 ppm	—	—
Hexylene glycol	107-41-5	—	—	25 ppm	—
Hydrazine	302-01-2	0.1 ppm	0.3 ppm	—	X
Hydrogen	—	Simple asphyxiant	—	—	—
Hydrogenated terphenyls	61788-32-7	0.5 ppm	1.5 ppm	—	—
Hydrogen bromide	10035-10-6	—	—	3.0 ppm	—
Hydrogen chloride	7647-01-0	—	—	5.0 ppm	—
Hydrogen cyanide	74-90-8	—	4.7 ppm	—	X
Hydrogen fluoride	7664-39-3	—	—	3 ppm	—
Hydrogen peroxide	7722-84-1	1 ppm	3 ppm	—	—
Hydrogen selenide (as Se)	7783-07-5	0.05 ppm	0.15 ppm	—	—
Hydrogen sulfide	7783-06-4	10 ppm	15 ppm	—	—
Hydroquinone (Dihydroxybenzene)	123-31-9	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
4-Hydroxy-4-methyl-2-pentanone (Diacetone alcohol)	123-42-2	50 ppm	75 ppm	—	—
2-Hydroxypropyl acrylate	99-61-1	0.5 ppm	1.5 ppm	—	X
Indene	95-13-6	10 ppm	20 ppm	—	—
Indium and compounds (as In)	7440-74-6	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Iodine	7553-56-2	—	—	0.1 ppm	—
Iodoform	75-47-8	0.6 ppm	1.8 ppm	—	—
Iron oxide dust and fume (as Fe)	1309-37-1	—	—	—	—
Total particulate	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Iron pentacarbonyl (as Fe)	13463-40-6	0.1 ppm	0.2 ppm	—	—
Iron salts, soluble (as Fe)	Varies with compound	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Isoamyl acetate	123-92-2	100 ppm	150 ppm	—	—
Isoamyl alcohol (primary and secondary)	123-51-3	100 ppm	125 ppm	—	—
Isobutyl acetate	110-19-0	150 ppm	188 ppm	—	—
Isobutyl alcohol	78-83-1	50 ppm	75 ppm	—	—
Isooctyl alcohol	26952-21-6	50 ppm	75 ppm	—	X
Isophorone	78-59-1	4 ppm	—	5 ppm	—
Isophorone diisocyanate	4098-71-9	0.005 ppm	0.02 ppm	—	X
Isopropoxyethanol	109-59-1	25 ppm	38 ppm	—	—
Isopropyl acetate	108-21-4	250 ppm	310 ppm	—	—
Isopropyl alcohol	67-63-0	400 ppm	500 ppm	—	—
Isopropylamine	75-31-0	5 ppm	10 ppm	—	—
N-Isopropylaniline	768-52-5	2 ppm	4 ppm	—	X
Isopropyl ether	108-20-3	250 ppm	313 ppm	—	—
Isopropyl glycidyl ether (IGE)	4016-14-2	50 ppm	75 ppm	—	—
Kaolin	—	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Ketene	463-51-4	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	—
Lannate (Methomyl)	16752-77-5	2.5 mg/m <sup>3</sup>	5 mg/m <sup>3</sup>	—	—
Lead, inorganic (as Pb)	7439-92-1	0.05 mg/m <sup>3</sup>	—	—	—
Lead arsenate (as Pb)	3687-31-8	0.05 mg/m <sup>3</sup>	—	—	—
Lead chromate (as Pb)	7758-97-6	0.05 mg/m <sup>3</sup>	—	—	—
Limestone	1317-65-3	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—

Substance	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Lindane	58-89-9	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	X
Lithium hydride	7580-67-8	0.025 mg/m <sup>3</sup>	0.075 mg/m <sup>3</sup>	—	—
L.P.G. (liquified petroleum gas)	68476-85-7	1,000 ppm	1,250 ppm	—	—
Magnesite	546-93-0	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Magnesium oxide fume	1309-48-4	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Malathion	121-75-5	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	X
Maleic anhydride	108-31-6	0.25 ppm	0.75 ppm	—	—
Manganese and compounds (as Mn)	7439-96-5	—	—	5 mg/m <sup>3</sup>	—
Manganese cyclopentadienyl tricarbonyl (as Mn)	12079-65-1	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Manganese tetroxide and fume (as Mn)	7439-96-5	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Marble	1317-65-3	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
MBOCA (4, 4'-Methylene bis (2-chloro-aniline))	101-14-4	—	—	—	X
MDA (4, 4'-Methylene dianiline)	101-77-9	0.01 ppm	0.1 ppm	—	X
MDI (Methylene bisphenyl isocyanate) (Diphenylmethane diisocyanate)	101-68-8	—	—	0.02 ppm	—
MEK (Methyl ethyl ketone) (2-Butanone)	78-93-3	200 ppm	300 ppm	—	—
MEKP (Methyl ethyl ketone peroxide)	1338-23-4	—	—	0.2 ppm	—
Mercury (as Hg)	7439-97-6	—	—	—	—
Aryl and inorganic	—	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Organo-alkyl compounds	—	0.01 mg/m <sup>3</sup>	0.03 mg/m <sup>3</sup>	—	X
Vapor	—	0.05 mg/m <sup>3</sup>	0.15 mg/m <sup>3</sup>	—	X
Mesityl oxide	141-79-7	15 ppm	25 ppm	—	—
Methacrylic acid	79-41-4	20 ppm	30 ppm	—	X
Methane	—	Simple asphyxiant	—	—	—
Methanethiol (Methyl mercaptan)	74-93-1	0.5 ppm	1.5 ppm	—	—
Methanol (Methyl alcohol)	67-56-1	200 ppm	250 ppm	—	X
Methomyl (lannate)	16752-77-5	2.5 mg/m <sup>3</sup>	5 mg/m <sup>3</sup>	—	—
Methoxychlor	72-43-5	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
2-Methoxyethanol (Methyl cellosolve)	109-86-4	5 ppm	10 ppm	—	X
2-Methoxyethyl acetate (Methyl cellosolve acetate)	110-49-6	5 ppm	10 ppm	—	X
4-Methoxyphenol	150-76-5	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Methyl acetate	79-20-9	200 ppm	250 ppm	—	—
Methyl acetylene (propyne)	74-99-7	1,000 ppm	1,250 ppm	—	—
Methyl acetylene-propadiene mixture (MAPP)	—	1,000 ppm	1,250 ppm	—	—
Methyl acrylate	96-33-3	10 ppm	20 ppm	—	X
Methylacrylonitrile	126-98-7	1 ppm	3 ppm	—	X
Methylal (Dimethoxy-methane)	109-87-5	1,000 ppm	1,250 ppm	—	—

Substance	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Methyl alcohol (methanol)	67-56-1	200 ppm	250 ppm	—	X
Methylamine	74-89-5	10 ppm	20 ppm	—	—
Methyl amyl alcohol (Methyl isobutyl carbinol)	108-11-2	25 ppm	40 ppm	—	X
Methyl n-amyl ketone (2-Heptanone)	110-43-0	50 ppm	75 ppm	—	—
N-Methyl aniline (Monomethyl aniline)	100-61-8	0.5 ppm	1.5 ppm	—	X
Methyl bromide	74-83-9	5 ppm	10 ppm	—	X
Methyl-n-butyl ketone (2-Hexanone)	591-78-6	5 ppm	10 ppm	—	—
Methyl cellosolve (2-Methoxyethanol)	109-86-4	5 ppm	10 ppm	—	X
Methyl cellosolve acetate (2-Methoxyethyl acetate)	110-49-6	5 ppm	10 ppm	—	X
Methyl chloride	74-87-3	50 ppm	100 ppm	—	—
Methyl chloroform (1, 1, 1-trichloroethane)	71-55-6	350 ppm	450 ppm	—	—
Methyl chloromethyl ether (chloromethyl methyl ether)	107-30-2	—	—	—	—
Methyl 2-cyanoacrylate	137-05-3	2 ppm	4 ppm	—	—
Methylcyclohexane	108-87-2	400 ppm	500 ppm	—	—
Methylcyclohexanol	25639-42-3	50 ppm	75 ppm	—	—
Methylcyclohexanone	583-60-8	50 ppm	75 ppm	—	X
Methylcyclopentadienyl manganese tricarbonyl (as Mn)	12108-13-3	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	X
Methyl demeton	8022-00-2	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	X
Methylene bisphenyl isocyanate (MDI) (Diphenylmethane diisocyanate)	101-68-8	—	—	0.02 ppm	—
4, 4'-Methylene bis (2-chloro-aniline) (MBOCA)	101-14-4	—	—	—	X
Methylene bis (4-cyclohexylisocyanate)	5124-30-1	—	—	0.01 ppm	—
Methylene chloride (Dichloromethane)	75-09-2	25 ppm	125 ppm	—	—
4, 4-Methylene dianiline (MDA)	101-77-9	0.01 ppm	0.1 ppm	—	X
Methyl ethyl ketone (MEK) (2-Butanone)	78-93-3	200 ppm	300 ppm	—	—
Methyl ethyl ketone peroxide (MEKP)	1338-23-4	—	—	0.2 ppm	—
Methyl formate	107-31-3	100 ppm	150 ppm	—	—
5-Methyl-3-heptanone (Ethyl amyl ketone)	541-85-5	25 ppm	38 ppm	—	—
Methyl hydrazine (Monomethyl hydrazine)	60-34-4	—	—	0.2 ppm	X
Methyl iodide	74-88-4	2 ppm	4 ppm	—	X
Methyl isoamyl ketone	110-12-3	50 ppm	75 ppm	—	—
Methyl isobutyl carbinol (Methyl amyl alcohol)	108-11-2	25 ppm	40 ppm	—	X
Methyl isobutyl ketone (Hexone)	108-10-1	50 ppm	75 ppm	—	—
Methyl isocyanate	624-83-9	0.02 ppm	0.06 ppm	—	X
Methyl isopropyl ketone	563-80-4	200 ppm	250 ppm	—	—
Methyl mercaptan (Methanethiol)	74-93-1	0.5 ppm	1.5 ppm	—	—
Methyl methacrylate	80-62-6	100 ppm	150 ppm	—	—
Methyl parathion	298-00-0	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	X
Methyl propyl ketone (2-Pentanone)	107-87-9	200 ppm	250 ppm	—	—
Methyl silicate	684-84-5	1 ppm	3 ppm	—	—
alpha-Methyl styrene	98-83-9	50 ppm	100 ppm	—	—
Mevinphos (Phosdrin)	7786-34-7	0.01 ppm	0.03 ppm	—	X

Substance	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Metribuzin	21087-64-9	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Mica (Silicates) Respirable fraction	12001-26-2	3 mg/m <sup>3</sup>	6 mg/m <sup>3</sup>	—	—
Molybdenum (as Mo)	7439-98-7	—	—	—	—
Soluble compounds	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Insoluble compounds	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Monochlorobenzene (Chlorobenzene)	108-90-7	75 ppm	113 ppm	—	—
Monocrotophos (Azodrin)	6923-22-4	0.25 mg/m <sup>3</sup>	0.75 mg/m <sup>3</sup>	—	—
Monomethyl aniline (N-Methyl aniline)	100-61-8	0.5 ppm	1.5 ppm	—	X
Monomethyl hydrazine	—	—	—	0.2 ppm	—
Morpholine	110-91-8	20 ppm	30 ppm	—	X
Naled (Dibrom)	300-76-5	3 mg/m <sup>3</sup>	6 mg/m <sup>3</sup>	—	X
Naphtha	8030-30-6	100 ppm	150 ppm	—	X
Naphthalene	91-20-3	10 ppm	15 ppm	—	—
alpha-Naphthylamine	134-32-7	—	—	—	—
beta-Naphthylamine	91-59-8	—	—	—	—
Neon	7440-01-9	Simple asphyxiant	—	—	—
Nickel carbonyl (as Ni)	13463-39-3	0.001 ppm	0.003 ppm	—	—
Nickel (as Ni)	7440-02-0	—	—	—	—
Metal and insoluble compounds	—	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Soluble compounds	—	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Nicotine	54-11-5	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	X
Nitrapyrin (2-Chloro-6-trichloromethyl pyridine)	1929-82-4	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Nitric acid	7697-37-2	2 ppm	4 ppm	—	—
Nitric oxide	10102-43-9	25 ppm	38 ppm	—	—
p-Nitroaniline	100-01-6	3 mg/m <sup>3</sup>	6 mg/m <sup>3</sup>	—	X
Nitrobenzene	98-95-3	1 ppm	3 ppm	—	X
4-Nitrobiphenyl	92-93-3	—	—	—	—
p-Nitrochlorobenzene	100-00-5	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	X
4-Nitrodiphenyl	—	—	—	—	—
Nitroethane	79-24-3	100 ppm	150 ppm	—	—
Nitrogen	7727-37-9	Simple asphyxiant	—	—	—
Nitrogen dioxide	10102-44-0	—	1 ppm	—	—
Nitrogen oxide (Nitrous oxide)	10024-97-2	50 ppm	75 ppm	—	—
Nitrogen trifluoride	7783-54-2	10 ppm	20 ppm	—	—
Nitroglycerin	55-63-0	—	0.1 mg/m <sup>3</sup>	—	X
Nitromethane	75-52-5	100 ppm	150 ppm	—	—
1-Nitropropane	108-03-2	25 ppm	38 ppm	—	—
2-Nitropropane	79-46-9	10 ppm	20 ppm	—	—
N-Nitrosodimethylamine	62-75-9	—	—	—	—
Nitrotoluene	—	—	—	—	—
o-isomer	88-72-2	2 ppm	4 ppm	—	X
m-isomer	98-08-2	2 ppm	4 ppm	—	X
p-isomer	99-99-0	2 ppm	4 ppm	—	X
Nitrotrichloromethane (Chloropicrin)	76-06-2	0.1 ppm	0.3 ppm	—	—
Nitrous oxide (Nitrogen oxide)	10024-97-2	50 ppm	75 ppm	—	—
Nonane	111-84-2	200 ppm	250 ppm	—	—
Octachloronaphthalene	2234-13-1	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X



Substance	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Octane	111-65-9	300 ppm	375 ppm	—	—
Oil mist mineral (particulate)	8012-95-1	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Osmium tetroxide (as Os)	20816-12-0	0.0002 ppm	0.0006 ppm	—	—
Oxalic acid	144-62-7	1 mg/m <sup>3</sup>	2 mg/m <sup>3</sup>	—	—
Oxygen difluoride	7783-41-7	—	—	0.05 ppm	—
Ozone	10028-15-6	0.1 ppm	0.3 ppm	—	—
Paper fiber (Cellulose)	9004-34-6	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Paraffin wax fume	8002-74-2	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
Paraquat	—	—	—	—	—
Respirable fraction	4685-14-7	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
	1910-42-5	—	—	—	—
	2074-50-2	—	—	—	—
Parathion	56-38-2	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Particulate polycyclic aromatic hydrocarbons (benzene soluble fraction) (coal tar pitch volatiles)	65996-93-2	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	—
Particulates not otherwise regulated	—	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Pentaborane	19624-22-7	0.005 ppm	0.015 ppm	—	—
Pentachloronaphthalene	1321-64-8	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	X
Pentachlorophenol	87-86-5	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	X
Pentaerythritol	115-77-5	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Pentane	109-66-0	600 ppm	750 ppm	—	—
2-Pentanone (methyl propyl ketone)	107-87-9	200 ppm	250 ppm	—	—
Perchloroethylene (tetrachloroethylene)	127-18-4	25 ppm	38 ppm	—	—
Perchloromethyl mercaptan	594-42-3	0.1 ppm	0.3 ppm	—	—
Perchloryl fluoride	7616-94-6	3 ppm	6 ppm	—	—
Perlite	—	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Petroleum distillates (Naptha, rubber solvent)	—	100 ppm	150 ppm	—	—
Phenacyl chloride (a-Chloroacetophenone)	532-21-4	0.05 ppm	0.15 ppm	—	—
Phenol	108-95-2	5 ppm	10 ppm	—	X
Phenothiazine	92-84-2	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	X
p-Phenylene diamine	106-50-3	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Phenyl ether (vapor)	101-84-8	1 ppm	3 ppm	—	—
Phenyl ether-diphenyl mixture (vapor)	—	1 ppm	3 ppm	—	—
Phenylethylene (Styrene)	100-42-5	50 ppm	100 ppm	—	—
Phenyl glycidyl ether (PGE)	122-60-1	1 ppm	3 ppm	—	—
Phenylhydrazine	100-63-0	5 ppm	10 ppm	—	X
Phenyl mercaptan	108-98-5	0.5 ppm	1.5 ppm	—	—
Phenylphosphine	638-21-1	—	—	0.05 ppm	—
Phorate	298-02-2	0.05 mg/m <sup>3</sup>	0.2 mg/m <sup>3</sup>	—	X

Substance	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Phosdrin (Mevinphos)	7786-34-7	0.01 ppm	0.03 ppm	—	X
Phosgene (carbonyl chloride)	75-44-5	0.1 ppm	0.3 ppm	—	—
Phosphine	7803-51-2	0.3 ppm	1 ppm	—	—
Phosphoric acid	7664-38-2	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Phosphorus (yellow)	7723-14-0	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Phosphorous oxychloride	10025-87-3	0.1 ppm	0.3 ppm	—	—
Phosphorus pentachloride	10026-13-8	0.1 ppm	0.3 ppm	—	—
Phosphorus pentasulfide	1314-80-3	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Phosphorus trichloride	12-2-19	0.2 ppm	0.5 ppm	—	—
Phthalic anhydride	85-44-9	1 ppm	3 ppm	—	—
m-Phthalodinitrile	626-17-5	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Picloram	1918-02-1	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Picric acid (2, 4, 6-Trinitrophenol)	88-89-1	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Pindone					
(2-Pivalyl-1, 3-indandione, Pival)	83-26-1	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Piperazine dihydrochloride	142-64-3	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Pival (Pindone)	83-26-1	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Plaster of Paris	26499-65-0	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Platinum (as Pt)	7440-06-4	—	—	—	—
Metal	—	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Soluble salts	—	0.002 mg/m <sup>3</sup>	0.006 mg/m <sup>3</sup>	—	—
Polychlorobiphenyls					
(Chlorodiphenyls)	—	—	—	—	—
42% Chlorine (PCB)	53469-21-9	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	X
54% Chlorine (PCB)	11097-69-1	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	X
Portland cement	65997-15-1	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Potassium hydroxide	1310-58-3	—	—	2 mg/m <sup>3</sup>	—
Propane	74-98-6	1,000 ppm	1,250 ppm	—	—
Propargyl alcohol	107-19-7	1 ppm	3 ppm	—	X
beta-Propiolactone	57-57-8	—	—	—	—
Propionic acid	79-09-4	10 ppm	20 ppm	—	—
Propoxur (Baygon)	114-26-1	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	—
n-Propyl acetate	109-60-4	200 ppm	250 ppm	—	—
n-Propyl alcohol	71-23-8	200 ppm	250 ppm	—	X
n-Propyl nitrate	627-13-4	25 ppm	40 ppm	—	—
Propylene	—	Simple asphyxiant	—	—	—
Propylene dichloride					
(1, 2-Dichloropropane)	78-87-5	75 ppm	110 ppm	—	—
Propylene glycol dinitrate	6423-43-4	0.05 ppm	0.15 ppm	—	X
Propylene glycol monomethyl ether	107-98-2	100 ppm	150 ppm	—	—
Propylene imine	75-55-8	2 ppm	4 ppm	—	X
Propylene oxide (1,2-Epoxypropane)	75-56-9	20 ppm	30 ppm	—	—
Propyne (Methyl acetylene)	74-99-7	1,000 ppm	1,250 ppm	—	—
Pyrethrum	8003-34-7	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—

Substance	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Pyridine	110-86-1	5 ppm	10 ppm	—	—
Pyrocatechol (Catechol)	120-80-9	5 ppm	10 ppm	—	X
Quinone (p-Benzoquinone)	106-51-4	0.1 ppm	0.3 ppm	—	—
RDX (Cyclonite)	—	1.5 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	X
Resorcinol	108-46-3	10 ppm	20 ppm	—	—
Rhodium (as Rh)	7440-16-6	—	—	—	—
Insoluble compounds, metal fumes and dusts	—	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Soluble compounds, salts	—	0.001 mg/m <sup>3</sup>	0.003 mg/m <sup>3</sup>	—	—
Ronnel	299-84-3	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Rosin core solder, pyrolysis products (as formaldehyde)	8050-09-7	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Rotenone	83-79-4	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Rouge	—	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Rubber solvent (naphtha)	8030-30-6	100 ppm	150 ppm	—	—
Selenium compounds (as Se)	7782-49-2	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	—
Selenium hexafluoride (as Se)	7783-79-1	0.05 ppm	0.15 ppm	—	—
Sesone (Crag herbicide)	136-78-7	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Sevin (Carbaryl)	63-25-2	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Silane (see Silicon tetrahydride)	7803-62-5	5 ppm	10 ppm	—	—
Silica, amorphous, precipitated and gel	112926-00-8	6 mg/m <sup>3</sup>	12 mg/m <sup>3</sup>	—	—
Silica, amorphous, diatomaceous earth, containing less than 1% crystalline silica	61790-53-2	—	—	—	—
Total particulate	—	6 mg/m <sup>3</sup>	12 mg/m <sup>3</sup>	—	—
Respirable fraction	—	3 mg/m <sup>3</sup>	6 mg/m <sup>3</sup>	—	—
Silica, crystalline cristobalite	—	—	—	—	—
Respirable fraction	14464-46-1	0.05 mg/m <sup>3</sup>	0.15 mg/m <sup>3</sup>	—	—
<u>Applies only where the exposure limit     in chapter 296-840 WAC is not in effect.</u>					
Silica, crystalline quartz	—	—	—	—	—
Respirable fraction	14808-60-7	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
<u>Applies only where the exposure limit     in chapter 296-840 WAC is not in effect.</u>					
Silica, crystalline tripoli (as quartz)	—	—	—	—	—
Respirable fraction	1317-95-9	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Silica, crystalline tridymite	—	—	—	—	—
Respirable fraction	15468-32-3	0.05 mg/m <sup>3</sup>	0.15 mg/m <sup>3</sup>	—	—
<u>Applies only where the exposure limit     in chapter 296-840 WAC is not in effect.</u>					
Silica, fused	—	—	—	—	—
Respirable fraction	60676-86-0	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Silicates (less than 1% crystalline silica )	—	—	—	—	—
Mica	—	—	—	—	—
Respirable fraction	12001-26-2	3 mg/m <sup>3</sup>	6 mg/m <sup>3</sup>	—	—
Soapstone	—	—	—	—	—
Total particulate	—	6 mg/m <sup>3</sup>	12 mg/m <sup>3</sup>	—	—
Respirable fraction	—	3 mg/m <sup>3</sup>	6 mg/m <sup>3</sup>	—	—

Substance	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Talc (containing asbestos)	—	—	—	—	—
Talc (containing no asbestos)	—	—	—	—	—
Respirable fraction	14807-96-6	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
Tremolite	—	—	—	—	—
Silicon	7440-21-3	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Silicon carbide	409-21-2	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Silicon tetrahydride (Silane)	7803-62-5	5 ppm	10 ppm	—	—
Silver, metal dust and soluble compounds (as Ag)	7440-22-4	0.01 mg/m <sup>3</sup>	0.03 mg/m <sup>3</sup>	—	—
Soapstone	—	—	—	—	—
Total particulate	—	6 mg/m <sup>3</sup>	12 mg/m <sup>3</sup>	—	—
Respirable fraction	—	3 mg/m <sup>3</sup>	6 mg/m <sup>3</sup>	—	—
Sodium azide (as HN <sub>3</sub> or NaN <sub>3</sub> )	26628-22-8	—	—	0.1 ppm	X
Sodium bisulfite	7631-90-5	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Sodium-2, 4-dichloro-phenoxyethyl sulfate (Crag herbicide)	136-78-7	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Sodium fluoroacetate	62-74-8	0.05 mg/m <sup>3</sup>	0.15 mg/m <sup>3</sup>	—	X
Sodium hydroxide	1310-73-2	—	—	2 mg/m <sup>3</sup>	—
Sodium metabisulfite	7681-57-4	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Starch	9005-25-8	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Stibine	7803-52-3	0.1 ppm	0.3 ppm	—	—
Stoddard solvent	8052-41-3	100 ppm	150 ppm	—	—
Strychnine	57-24-9	0.15 mg/m <sup>3</sup>	0.45 mg/m <sup>3</sup>	—	—
Styrene (Phenylethylene, Vinyl benzene)	100-42-5	50 ppm	100 ppm	—	—
Subtilisins	9014-01-1	—	0.00006 mg/m <sup>3</sup> (60 min.)	—	—
Sucrose	57-50-1	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Sulfotep (TEDP)	3689-24-5	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	X
Sulfur dioxide	7446-09-5	2 ppm	5 ppm	—	—
Sulfur hexafluoride	2551-62-4	1,000 ppm	1,250 ppm	—	—
Sulfuric acid	7664-93-9	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Sulfur monochloride	10025-67-9	—	—	1 ppm	—
Sulfur pentafluoride	5714-22-1	—	—	0.01 ppm	—
Sulfur tetrafluoride	7783-60-0	—	—	0.1 ppm	—
Sulfuryl fluoride	2699-79-8	5 ppm	10 ppm	—	—
Sulprofos	35400-43-2	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Systox (Demeton) 2, 4, 5-T	8065-48-3	0.01 ppm	0.03 ppm	—	X
2, 4, 5-T	93-76-5	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—

Substance	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Talc (containing asbestos)	—	—	—	—	—
Talc (containing no asbestos)	—	—	—	—	—
Respirable fraction	14807-96-6	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
Tantalum	—	—	—	—	—
Metal and oxide dusts	7440-25-7	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
TDI (Toluene-2, 4-diisocyanate)	584-84-9	0.005 ppm	0.02 ppm	—	—
TEDP (Sulfotep)	3689-24-5	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	X
Tellurium and compounds (as Te)	13494-80-9	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Tellurium hexafluoride (as Te)	7783-80-4	0.02 ppm	0.06 ppm	—	—
Temephos (Abate)	3383-96-8	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
TEPP	107-49-3	0.004 ppm	0.012 ppm	—	X
Terphenyls	26140-60-3	—	—	0.5 ppm	—
1, 1, 1, 2-Tetrachloro-2, 2-difluoroethane	76-11-0	500 ppm	625 ppm	—	—
1, 1, 2, 2-Tetrachloro-1, 2-difluoroethane	76-12-0	500 ppm	625 ppm	—	—
1, 1, 2, 2-Tetrachloroethane	79-34-5	1 ppm	3 ppm	—	X
Tetrachloroethylene (Perchloroethylene)	127-18-4	25 ppm	38 ppm	—	—
Tetrachloromethane (Carbon tetrachloride)	56-23-5	2 ppm	4 ppm	—	X
Tetrachloronaphthalene	1335-88-2	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	X
Tetraethyl lead (as Pb)	78-00-2	0.075 mg/m <sup>3</sup>	0.225 mg/m <sup>3</sup>	—	X
Tetrahydrofuran	109-99-9	200 ppm	250 ppm	—	—
Tetramethyl lead (as Pb)	75-74-1	0.075 mg/m <sup>3</sup>	0.225 mg/m <sup>3</sup>	—	X
Tetramethyl succinonitrile	3333-52-6	0.5 ppm	1.5 ppm	—	X
Tetranitromethane	509-14-8	1 ppm	3 ppm	—	—
Tetrasodium pyrophosphate	7722-88-5	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Tetryl (2, 4, 6-trinitrophenyl- methylnitramine)	479-45-8	1.5 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	X
Thallium (soluble compounds) (as Tl)	7440-28-0	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
4, 4-Thiobis (6-tert-butyl-m-cresol)	96-69-5	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Thiodan (Endosulfan)	115-29-7	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Thioglycolic acid	68-11-1	1 ppm	3 ppm	—	X
Thionyl chloride	7719-09-7	—	—	1 ppm	—
Thiram	137-26-8	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Tin (as Sn)	—	—	—	—	—
Inorganic compounds	7440-31-5	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
Tin (as Sn)	—	—	—	—	—
Organic compounds	7440-31-5	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Tin oxide (as Sn)	21651-19-4	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
Titanium dioxide	13463-67-7	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
TNT (2, 4, 6-Trinitrotoluene)	118-96-7	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	X
Toluene	108-88-3	100 ppm	150 ppm	—	—

Substance	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Toluene-2, 4-diisocyanate (TDI)	584-84-9	0.005 ppm	0.02 ppm	—	—
m-Toluidine	108-44-1	2 ppm	4 ppm	—	X
o-Toluidine	95-53-4	2 ppm	4 ppm	—	X
p-Toluidine	106-49-0	2.0 ppm	4 ppm	—	X
Toxaphene (Chlorinated camphene)	8001-35-2	0.5 mg/m <sup>3</sup>	1 mg/m <sup>3</sup>	—	X
Tremolite	—	—	—	—	—
Tributyl phosphate	126-73-8	0.2 ppm	0.6 ppm	—	—
Trichloroacetic acid	76-03-9	1 ppm	3 ppm	—	—
1, 2, 4-Trichlorobenzene	120-82-1	—	—	5 ppm	—
1, 1, 1-Trichloroethane (Methyl chloroform)	71-55-6	350 ppm	450 ppm	—	—
1, 1, 2-Trichloroethane	79-00-5	10 ppm	20 ppm	—	—
Trichloroethylene	79-01-6	50 ppm	200 ppm	—	—
Trichlorofluoromethane (Fluorotrichloromethane)	75-69-4	—	—	1,000 ppm	—
Trichloromethane (Chloroform)	67-66-3	2 ppm	4 ppm	—	—
Trichloronaphthalene	1321-65-9	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	X
1, 2, 3-Trichloropropane	96-18-4	10 ppm	20 ppm	—	X
1, 1, 2-Trichloro-1, 2, 2-trifluoroethane	76-13-1	1,000 ppm	1,250 ppm	—	—
Tricyclohexyltin hydroxide (Cyhexatin)	13121-70-5	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Triethylamine	121-44-8	10 ppm	15 ppm	—	—
Trifluorobromomethane	75-63-8	1,000 ppm	1,250 ppm	—	—
Trimellitic anhydride	552-30-7	0.005 ppm	0.015 ppm	—	—
Trimethylamine	75-50-3	10 ppm	15 ppm	—	—
Trimethyl benzene	25551-13-7	25 ppm	38 ppm	—	—
Trimethyl phosphite	121-45-9	2 ppm	4 ppm	—	—
2, 4, 6-Trinitrophenol (Picric acid)	88-89-1	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
2, 4, 6-Trinitrophenyl-methylnitramine (Tetryl)	479-45-8	1.5 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	X
2, 4, 6-Trinitrotoluene (TNT)	118-96-7	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	X
Triorthocresyl phosphate	78-30-8	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Triphenyl amine	603-34-9	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Triphenyl phosphate	115-86-6	3 mg/m <sup>3</sup>	6 mg/m <sup>3</sup>	—	—
Tungsten (as W)	7440-33-7	—	—	—	—
Soluble compounds	—	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Insoluble compounds	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Turpentine	8006-64-2	100 ppm	150 ppm	—	—
Uranium (as U)	7440-61-1	—	—	—	—
Soluble compounds	—	0.05 mg/m <sup>3</sup>	0.15 mg/m <sup>3</sup>	—	—
Insoluble compounds	—	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	—
n-Valeraldehyde	110-62-3	50 ppm	75 ppm	—	—
Vanadium (as V2O5)	—	—	—	—	—
Respirable fraction	1314-62-1	0.05 mg/m <sup>3</sup>	0.15 mg/m <sup>3</sup>	—	—
Vegetable oil mist	—	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Vinyl acetate	108-05-1	10 ppm	20 ppm	—	—
Vinyl benzene (Styrene)	100-42-5	50 ppm	100 ppm	—	—
Vinyl bromide	593-60-2	5 ppm	10 ppm	—	—
Vinyl chloride (Chloroethylene)	75-01-4	1 ppm	5 ppm	—	—
Vinyl cyanide (Acrylonitrile)	107-13-1	2 ppm	10 ppm	—	—

Substance	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Vinyl cyclohexene dioxide	106-87-6	10 ppm	20 ppm	—	X
Vinyl toluene	25013-15-4	50 ppm	75 ppm	—	—
Vinylidene chloride (1, 1-Dichloroethylene)	75-35-4	1 ppm	3 ppm	—	—
VM & P Naphtha	8032-32-4	300 ppm	400 ppm	—	—
Warfarin	81-81-2	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Welding fumes (total particulate)	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Wood dust	—	—	—	—	—
Nonallergenic; (All woods except allergenic)	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Allergenic (e.g. cedar, mahogany and teak)	—	2.5 mg/m <sup>3</sup>	5 mg/m <sup>3</sup>	—	—
Xylenes (ortho, meta, and para isomers) (Dimethylbenzene)	1330-20-7	100 ppm	150 ppm	—	—
m-Xylene alpha, alpha-diamine	1477-55-0	—	—	0.1 mg/m <sup>3</sup>	X
Xylidine (Dimethylaminobenzene)	1300-73-8	2 ppm	4 ppm	—	X
Yttrium	7440-65-5	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Zinc chloride fume	7646-85-7	1 mg/m <sup>3</sup>	2 mg/m <sup>3</sup>	—	—
Zinc chromate (as CrO <sub>3</sub> )	Varies with com- pound	0.05 mg/m <sup>3</sup>	—	0.1 mg/m <sup>3</sup>	—
Zinc oxide	1314-13-2	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Zinc oxide fume	1314-13-2	5 mg/g <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Zinc stearate	557-05-1	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Zirconium compounds (as Zr)	7440-67-2	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—

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

## Chapter 296-840 WAC RESPIRABLE CRYSTALLINE SILICA

### NEW SECTION

**WAC 296-840-095 Definitions.** For the purposes of this chapter the following definitions apply:

**Action level.** A concentration of airborne respirable crystalline silica of 25 µg/m<sup>3</sup>, calculated as an 8-hour time-weighted average (TWA).

**Competent person.** An individual who is capable of identifying existing and foreseeable respirable crystalline silica hazards in the workplace and who has authorization to take prompt corrective measures to eliminate or minimize them. The competent person must have the knowledge and ability necessary to fulfill the responsibilities set forth in WAC 296-840-140.

**Construction work.** All or any part of excavation, construction, erection, alteration, repair, demolition, and dismantling, of buildings and other structures and all operations in

connection therewith; the excavation, construction, alteration and repair of sewers, trenches, caissons, conduits, pipe lines, roads and all operations pertaining thereto; the moving of buildings and other structures, and to the construction, alteration, repair, or removal of wharfs, docks, bridges, culverts, trestles, piers, abutments or any other construction, alteration, repair or removal work related thereto.

**Director.** The director of the department of labor and industries or his/her authorized representative.

**DOSH.** The division of occupational safety and health, Washington state department of labor and industries.

**Employee exposure.** The exposure to airborne respirable crystalline silica that would occur if the employee were not using a respirator.

**High-efficiency particulate air (HEPA) filter.** A filter that is at least 99.97 percent efficient in removing mono-dispersed particles of 0.3 micrometers in diameter.

**Objective data.** Information, such as air monitoring data from industry-wide surveys or calculations based on the composition of a substance, demonstrating employee exposure to respirable crystalline silica associated with a particular product or material or a specific process, task, or activity. The data must reflect workplace conditions closely resembling or with a higher exposure potential than the processes, types of mate-

rial, control methods, work practices, and environmental conditions in the employer's current operations.

**Permissible exposure limit (PEL).** A concentration of airborne respirable crystalline silica of 50 µg/m<sup>3</sup>, calculated as an 8-hour TWA and/or a 15-minute short-term exposure limit (STEL). Short-term exposure limits for respirable crystalline silica, as defined in this chapter, can be found in WAC 296-841-20025 and 296-307-62625.

**Physician or other licensed health care professional (PLHCP).** An individual whose legally permitted scope of practice (i.e., license, registration, or certification) allows him or her to independently provide or be delegated the responsibility to provide some or all of the particular health care services required by WAC 296-840-145.

**Regulated area.** An area, demarcated by the employer, where an employee's exposure to airborne concentrations of respirable crystalline silica exceeds, or can reasonably be expected to exceed, the PEL.

**Respirable crystalline silica.** Quartz, cristobalite, and/or tridymite contained in airborne particles that are determined to be respirable by a sampling device designed to meet the characteristics for respirable-particle-size-selective samplers specified in the International Organization for Standardization (ISO) 7708:1995: Air quality - Particle size fraction definitions for health-related sampling.

**Specialist.** An American Board Certified Specialist in Pulmonary Disease or an American Board Certified Specialist in Occupational Medicine.

#### NEW SECTION

**WAC 296-840-100 Scope and application.** This chapter applies to all occupational exposures to respirable crystalline silica, except for the following:

(1) Where employee exposure results from the processing of sorptive clays.

(2) Where documented objective data demonstrates that employee exposures to respirable crystalline silica will remain below 25 micrograms per cubic meter of air (25 µg/m<sup>3</sup>) as an 8-hour TWA and the 15-minute STEL as defined in this chapter under any foreseeable conditions.

#### NEW SECTION

**WAC 296-840-105 Exposure assessment.** This section applies to all occupational exposures except for tasks performed according to the requirements in WAC 296-840-110.

(1) Permissible exposure limit (PEL). You must ensure that no employee is exposed to an airborne concentration of respirable crystalline silica in excess of the 8-hour TWA PEL or the 15-minute STEL.

(2) Exposure assessment. You must assess the exposure of each employee who is or may reasonably be expected to be exposed to respirable crystalline silica at or above the action level or above the 15-minute STEL in accordance with either the performance option in (a) of this subsection or the scheduled monitoring option in (b) of this subsection.

(a) Performance option. You must assess the 8-hour TWA and the STEL for each employee on the basis of any combination of air monitoring data or objective data suffi-

cient to accurately characterize employee exposures to respirable crystalline silica.

(b) Scheduled monitoring option:

(i) You must perform initial monitoring to assess the 8-hour TWA and the STEL for each employee on the basis of personal breathing zone air samples that reflect the exposures of employees on each shift, for each job classification, in each work area.

(ii) Where several employees perform the same tasks on the same shift and in the same work area, you may sample a representative fraction of these employees in order to meet this requirement.

(iii) In representative sampling, you must sample the employee(s) who are expected to have the highest exposure to respirable crystalline silica.

(iv) If initial monitoring indicates that employee exposures are below the action level and below the STEL, you may discontinue monitoring for those employees whose exposures are represented by such monitoring.

(v) Where the most recent exposure monitoring indicates that employee exposures are at or above the action level but at or below the PEL, you must repeat such monitoring within six months of the most recent monitoring.

(vi) Where the most recent exposure monitoring indicates that employee exposures are above the PEL, the employer shall repeat such monitoring within three months of the most recent monitoring.

(vii) Where the most recent (noninitial) exposure monitoring indicates that employee exposures are below the action level and the STEL, you must repeat such monitoring within six months of the most recent monitoring until two consecutive measurements, taken seven or more days apart, are below the action level and the STEL, at which time the employer may discontinue monitoring for those employees whose exposures are represented by such monitoring, except as otherwise provided in subsection (3) of this section.

(3) Reassessment of exposures. You must reassess exposures whenever a change in the production, process, control equipment, personnel, or work practices may reasonably be expected to result in new or additional exposures at or above the action level and/or the STEL, or when the employer has any reason to believe that new or additional exposures at or above the action level and/or the STEL have occurred.

(4) Methods of sample analysis. You must ensure that all samples taken to satisfy the monitoring requirements of subsection (2) of this section are evaluated by a laboratory that analyzes air samples for respirable crystalline silica in accordance with the procedures in WAC 296-840-165 Appendix A—Methods of sample analysis of this chapter.

(5) Employee notification of assessment results.

(a) Individually notify each affected employee in writing of the results of that assessment or post the results in an appropriate location accessible to all affected employees in accordance with the following:

(i) Construction employers must notify affected employees within five working days after receiving any results of an exposure assessment in accordance with this rule.

(ii) All other employers must notify affected employees within fifteen working days after receiving any results of an exposure assessment in accordance with this rule.



(b) Whenever an exposure assessment indicates that employee exposure is above the PEL, you must describe in the written notification the corrective action being taken to reduce employee exposure to or below the PEL.

(6) Observation of monitoring.

(a) Where air monitoring is performed to comply with the requirements of this chapter, you must provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to respirable crystalline silica.

(b) When observation of monitoring requires entry into an area where the use of protective clothing or equipment is required for any workplace hazard, you must provide the observer with protective clothing and equipment at no cost and shall ensure that the observer uses such clothing and equipment.

**NEW SECTION**

**WAC 296-840-110 Specified exposure control methods.** This section applies to construction work and other occupational exposures where the task performed is indistinguishable from a construction task listed in Table 1 of this section and the task will not be performed regularly in the same environment and conditions.

(1) For each employee engaged in a task identified in Table 1 of this section, you must fully and properly implement the engineering controls, work practices, and respiratory protection specified for the task in Table 1 of this section, unless you assess and limit the exposure of the

employee to respirable crystalline silica in accordance with WAC 296-840-105.

(2) When implementing the control measures specified in Table 1 of this section, you must:

(a) For tasks performed indoors or in enclosed areas, provide a means of exhaust as needed to minimize the accumulation of visible airborne dust;

(b) For tasks performed using wet methods, apply water at flow rates sufficient to minimize release of visible dust;

(c) For measures implemented that include an enclosed cab or booth, ensure that the enclosed cab or booth:

(i) Is maintained as free as practicable from settled dust;

(ii) Has door seals and closing mechanisms that work properly;

(iii) Has gaskets and seals that are in good condition and working properly;

(iv) Is under positive pressure maintained through continuous delivery of fresh air;

(v) Has intake air that is filtered through a filter that is ninety-five percent efficient in the 0.3-10.0 µm range (e.g., MERV-16 or better); and

(vi) Has heating and cooling capabilities.

(3) Where an employee performs more than one task in Table 1 of this section during the course of a shift, and the total duration of all tasks combined is more than four hours, the required respiratory protection for each task is the respiratory protection specified for more than four hours per shift. If the total duration of all tasks in Table 1 of this section combined is less than four hours, the required respiratory protection for each task is the respiratory protection specified for less than four hours per shift.

**Table 1  
Specified Exposure Control Methods When Working With Materials Containing Crystalline Silica**

Equipment/ Task	Engineering and Work Practice Control Methods	Required Respiratory Protection and Minimum Assigned Protection Factor (APF)	
		≤ 4 hours/shift	> 4 hours/shift
(i) Stationary masonry saws	Use saw equipped with integrated water delivery system that continuously feeds water to the blade.  Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.	None	None
(ii) Hand-held power saws (any blade diameter)	Use saw equipped with integrated water delivery system that continuously feeds water to the blade.  Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.  - When used outdoors. - When used indoors or in an enclosed area.	None APF 10	APF 10 APF 10

Equipment/ Task	Engineering and Work Practice Control Methods	Required Respiratory Protection and Minimum Assigned Protection Factor (APF)	
		≤ 4 hours/shift	> 4 hours/shift
(iii) Hand-held power saws for cutting fiber-cement board (with blade diameter of 8 inches or less)	<p>For tasks performed outdoors only:</p> <p>Use saw equipped with commercially available dust collection system.</p> <p>Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.</p> <p>Dust collector must provide the air flow recommended by the tool manufacturer, or greater, and have a filter with 99% or greater efficiency.</p>	None	None
(iv) Walk-behind saws	<p>Use saw equipped with integrated water delivery system that continuously feeds water to the blade.</p> <p>Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.</p> <ul style="list-style-type: none"> <li>- When used outdoors.</li> <li>- When used indoors or in an enclosed area.</li> </ul>	None APF 10	None APF 10
(v) Drivable saws	<p>For tasks performed outdoors only:</p> <p>Use saw equipped with integrated water delivery system that continuously feeds water to the blade.</p> <p>Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.</p>	None	None
(vi) Rig-mounted core saws or drills	<p>Use tool equipped with integrated water delivery system that supplies water to cutting surface.</p> <p>Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.</p>	None	None
(vii) Hand-held and stand-mounted drills (including impact and rotary hammer drills)	<p>Use drill equipped with commercially available shroud or cowling with dust collection system.</p>	None	None

Equipment/ Task	Engineering and Work Practice Control Methods	Required Respiratory Protection and Minimum Assigned Protection Factor (APF)	
		≤ 4 hours/shift	> 4 hours/shift
	<p>Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.</p> <p>Dust collector must provide the air flow recommended by the tool manufacturer, or greater, and have a filter with 99% or greater efficiency and a filter-cleaning mechanism.</p> <p>Use a HEPA-filtered vacuum when cleaning holes.</p>		
(viii) Dowel drilling rigs for concrete	<p>For tasks performed outdoors only:</p> <p>Use shroud around drill bit with a dust collection system.</p> <p>Dust collector must have a filter with 99% or greater efficiency and a filter-cleaning mechanism.</p> <p>Use a HEPA-filtered vacuum when cleaning holes.</p>	APF 10	APF 10
(ix) Vehicle-mounted drilling rigs for rock and concrete	<p>Use dust collection system with close capture hood or shroud around drill bit with a low-flow water spray or wet the dust at the discharge point from the dust collector.</p> <p>OR</p> <p>Operate from within an enclosed cab and use water for dust suppression on drill bit.</p>	None  None	None  None
(x) Jackhammers and hand-held powered chipping tools	<p>Use tool with water delivery system that supplies a continuous stream or spray of water at the point of impact.</p> <ul style="list-style-type: none"> <li>- When used outdoors.</li> <li>- When used indoors or in an enclosed area.</li> </ul> <p>OR</p> <p>Use tool equipped with commercially available shroud and dust collection system.</p> <p>Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.</p>	None APF 10	None APF 10

Equipment/ Task	Engineering and Work Practice Control Methods	Required Respiratory Protection and Minimum Assigned Protection Factor (APF)	
		≤ 4 hours/shift	> 4 hours/shift
	<p>Dust collector must provide the air flow recommended by the tool manufacturer, or greater, and have a filter with 99% or greater efficiency and a filter-cleaning mechanism.</p> <ul style="list-style-type: none"> <li>- When used outdoors.</li> <li>- When used indoors or in an enclosed area.</li> </ul>	<p>None APF 10</p>	<p>APF 10 APF 10</p>
(xi) Hand-held grinders for mortar removal (i.e., tuck-pointing)	<p>Use grinder equipped with commercially available shroud and dust collection system.</p> <p>Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.</p> <p>Dust collector must provide 25 cubic feet per minute (cfm) or greater of airflow per inch of wheel diameter and have a filter with 99% or greater efficiency and cyclonic preseparator or filter-cleaning mechanism.</p>	APF 10	APF 25
(xii) Hand-held grinders for uses other than mortar removal	<p>For tasks performed outdoors only:</p> <p>Use grinder equipped with integrated water delivery system that continuously feeds water to the grinding surface.</p> <p>Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.</p> <p>OR</p> <p>Use grinder equipped with commercially available shroud and dust collection system.</p> <p>Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.</p>	None	None

Equipment/ Task	Engineering and Work Practice Control Methods	Required Respiratory Protection and Minimum Assigned Protection Factor (APF)	
		≤ 4 hours/shift	> 4 hours/shift
	<p>Dust collector must provide 25 cubic feet per minute (cfm) or greater of airflow per inch of wheel diameter and have a filter with 99% or greater efficiency and a cyclonic preseparator or filter-cleaning mechanism.</p> <ul style="list-style-type: none"> <li>- When used outdoors.</li> <li>- When used indoors or in an enclosed area.</li> </ul>	<p>None</p> <p>None</p>	<p>None</p> <p>APF 10</p>
(xiii) Walk-behind milling machines and floor grinders	<p>Use machine equipped with integrated water delivery system that continuously feeds water to the cutting surface.</p> <p>Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.</p> <p>OR</p> <p>Use machine equipped with dust collection system recommended by the manufacturer.</p> <p>Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.</p> <p>Dust collector must provide the air flow recommended by the manufacturer, or greater, and have a filter with 99% or greater efficiency and a filter-cleaning mechanism.</p> <p>When used indoors or in an enclosed area, use a HEPA-filtered vacuum to remove loose dust in between passes.</p>	<p>None</p> <p>None</p>	<p>None</p> <p>None</p>
(xiv) Small drivable milling machines (less than half-lane)	<p>Use machine equipped with supplemental water sprays designed to suppress dust. Water must be combined with a surfactant.</p> <p>Operate and maintain machine to minimize dust emissions.</p>	<p>None</p>	<p>None</p>

Equipment/ Task	Engineering and Work Practice Control Methods	Required Respiratory Protection and Minimum Assigned Protection Factor (APF)	
		≤ 4 hours/shift	> 4 hours/shift
(xv) Large drivable milling machines (half-lane and larger)	<p>For cuts of any depth on asphalt only:</p> <p>Use machine equipped with exhaust ventilation on drum enclosure and supplemental water sprays designed to suppress dust.</p> <p>Operate and maintain machine to minimize dust emissions.</p>	None	None
	<p>For cuts of four inches in depth or less on any substrate:</p> <p>Use machine equipped with exhaust ventilation on drum enclosure and supplemental water sprays designed to suppress dust.</p> <p>Operate and maintain machine to minimize dust emissions.</p> <p>OR</p> <p>Use a machine equipped with supplemental water spray designed to suppress dust. Water must be combined with a surfactant.</p> <p>Operate and maintain machine to minimize dust emissions.</p>	None	None
(xvi) Crushing machines	<p>Use equipment designed to deliver water spray or mist for dust suppression at crusher and other points where dust is generated (e.g., hoppers, conveyers, sieves/sizing or vibrating components, and discharge points).</p> <p>Operate and maintain machine in accordance with manufacturer's instructions to minimize dust emissions.</p> <p>Use a ventilated booth that provides fresh, climate-controlled air to the operator, or a remote control station.</p>	None	None

Equipment/ Task	Engineering and Work Practice Control Methods	Required Respiratory Protection and Minimum Assigned Protection Factor (APF)	
		≤ 4 hours/shift	> 4 hours/shift
(xvii) Heavy equipment and utility vehicles used to abrade or fracture silica-containing materials (e.g., hoe-ramming, rock ripping) or used during demolition activities involving silica-containing materials	Operate equipment from within an enclosed cab.	None	None
	When employees outside of the cab are engaged in the task, apply water and/or dust suppressants as necessary to minimize dust emissions.	None	None
(xviii) Heavy equipment and utility vehicles for tasks such as grading and excavating but not including: Demolishing, abrading or fracturing silica-containing materials	Apply water and/or dust suppressants as necessary to minimize dust emissions.	None	None
	OR When the equipment operator is the only employee engaged in the task, operate equipment from within an enclosed cab.	None	None

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

NEW SECTION

**WAC 296-840-115 Regulated areas.** This section does not apply to occupational respirable crystalline silica exposures in construction work.

(1) Establishment. You must establish a regulated area wherever an employee's exposure to airborne concentrations of respirable crystalline silica is, or can reasonably be expected to be, in excess of the PEL.

(2) Demarcation. You must demarcate the regulated areas from the rest of the workplace in a manner that minimizes the number of employees exposed to respirable crystalline silica within the regulated area.

(3) You must post signs at all entrances to regulated areas that bear the legend specified in WAC 296-840-150(2).

(4) Access. You must limit access to regulated areas to:

(a) Persons authorized by the employer and required by work duties to be present in the regulated area;

(b) Any person entering such an area as a designated representative of employees for the purpose of exercising the right to observe monitoring procedures under WAC 296-840-105; and

(c) Any person authorized by the department or regulations issued under it to be in a regulated area.

(5) Provision of respirators. You must provide each employee and the employee's designated representative entering a regulated area with an appropriate respirator in accordance with WAC 296-840-125 and must require each employee and the employee's designated representative to use the respirator while in a regulated area.

NEW SECTION

**WAC 296-840-120 Methods of compliance.** This section does not apply to tasks listed and performed in accordance with Table 1 of WAC 296-840-110 Specified exposure control methods.

(1) Engineering and work practice controls. You must use engineering and work practice controls to reduce and maintain employee exposure to respirable crystalline silica to or below the PEL, unless the employer can demonstrate that such controls are not feasible. Wherever such feasible engineering and work practice controls are not sufficient to reduce employee exposure to or below the PEL, you must nonetheless use them to reduce employee exposure to the lowest feasible level and must supplement them with the use of respiratory protection that complies with the requirements of WAC 296-840-125.

(2) Abrasive blasting. In addition to the requirements of this section, you must comply with chapter 296-818 WAC, safety standards for abrasive blasting and other applicable DOSH standards where abrasive blasting is conducted using crystalline silica containing blasting agents, or where abrasive blasting is conducted on substrates that contain crystalline silica.

NEW SECTION

**WAC 296-840-125 Respiratory protection.** (1) Where respiratory protection is required by this section, you must provide each employee an appropriate respirator that complies with the requirements of this section and chapter 296-842 WAC, Respirators.

(2) Respiratory protection is required:

(a) Where exposures exceed the PEL during periods necessary to install or implement feasible engineering and work practice controls;

(b) Where exposures exceed the PEL during tasks, such as certain maintenance and repair tasks, for which engineering and work practice controls are not feasible;

(c) During tasks for which an employer has implemented all feasible engineering and work practice controls and such controls are not sufficient to reduce exposures to or below the PEL;

(d) During periods when an employee or employees are in a regulated area; and

(e) Where specified for tasks performed according to the requirements in Table 1 of WAC 296-840-110 Specified exposure control methods.

#### NEW SECTION

##### **WAC 296-840-130 Respiratory protection program.**

(1) Where respirator use is required by this chapter, you must institute a respiratory protection program in accordance with chapter 296-842 WAC, Respirators.

(2) Specified exposure control methods. For tasks listed in Table 1 of WAC 296-840-110, if you fully and properly implement the engineering controls, work practices, and respiratory protection described in Table 1 of WAC 296-840-110, you will be considered to be in compliance with WAC 296-840-125(1) and the requirements for selection of respirators in chapter 296-842 WAC with regard to exposure to respirable crystalline silica.

#### NEW SECTION

##### **WAC 296-840-135 Housekeeping.**

(1) You must not allow dry sweeping or dry brushing where such activity could contribute to employee exposure to respirable crystalline silica unless wet sweeping, HEPA-filtered vacuuming or other methods that minimize the likelihood of exposure are not feasible.

(2) You must not allow compressed air to be used to clean clothing or surfaces where such activity could contribute to employee exposure to respirable crystalline silica unless:

(a) The compressed air is used in conjunction with a ventilation system that effectively captures the dust cloud created by the compressed air; or

(b) No alternative method is feasible.

#### NEW SECTION

##### **WAC 296-840-140 Written exposure control plan.**

(1) You must establish and implement a written exposure control plan that contains at least the following elements:

(a) A description of the tasks in the workplace that involve exposure to respirable crystalline silica;

(b) A description of the engineering controls, work practices, and respiratory protection used to limit employee exposure to respirable crystalline silica for each task; and

(c) A description of the housekeeping measures used to limit employee exposure to respirable crystalline silica.

(2) You must review and evaluate the effectiveness of the written exposure control plan at least annually and update it as necessary.

(3) You must make the written exposure control plan readily available for examination and copying, upon request, to each employee covered by this chapter, their designated representatives, and the director.

(4) In addition to the above written exposure control plan requirements, you must include the following elements for construction work:

(a) A description of the procedures used to restrict access to work areas, when necessary, to minimize the number of employees exposed to respirable crystalline silica and their level of exposure, including exposures generated by other employers or sole proprietors.

(b) A competent person to make frequent and regular inspections of job sites, materials, and equipment to implement the written exposure control plan.

#### NEW SECTION

**WAC 296-840-145 Medical surveillance.** (1) Medical surveillance must be made available at no cost to the employee and at a reasonable time and place for any employee:

(a) Doing construction tasks and required to use a respirator for thirty or more days per year.

(b) Doing work other than construction tasks and will be occupationally exposed to respirable crystalline silica at or above the action level and/or the STEL for thirty or more days per year.

(2) You must ensure that all medical examinations and procedures required by this chapter are performed by a PLHCP as defined in WAC 296-840-095.

(3) Initial examination. You must make available an initial (baseline) medical examination within thirty days after initial assignment, unless the employee has received a medical examination that meets the requirements of this chapter within the last three years. The examination must consist of:

(a) A medical and work history, with emphasis on: Past, present, and anticipated exposure to respirable crystalline silica, dust, and other agents affecting the respiratory system; any history of respiratory system dysfunction, including signs and symptoms of respiratory disease (e.g., shortness of breath, cough, wheezing); smoking status and history; and history of tuberculosis. The history of tuberculosis should include completion of the Washington state department of labor and industries form F252-113-000, Adult Tuberculosis Screening Tool for Workers Exposed to Respirable Crystalline Silica, located in Appendix C;

(b) A physical examination with special emphasis on the respiratory system;

(c) A chest X-ray (a single posteroanterior radiographic projection or radiograph of the chest at full inspiration recorded on either film (no less than 14 x 17 inches and no more than 16 x 17 inches) or digital radiography systems), interpreted and classified according to the International Labour Office (ILO) International Classification of Radiographs of Pneumoconioses by a NIOSH-certified B Reader;

(d) A pulmonary function test to include forced vital capacity (FVC) and forced expiratory volume in one second (FEV1) and FEV1/FVC ratio, administered by a spirometry



technician with a current certificate from a NIOSH-approved spirometry course;

- (e) Testing for latent tuberculosis infection; and
- (f) Any other test deemed appropriate by the PLHCP.

(4) Periodic examinations. You must make available medical examinations that include the procedures described in this section at least every three years or more frequently if recommended by the PLHCP.

(5) Information provided to the PLHCP. You must ensure that the examining PLHCP has a copy of this standard, and must provide the PLHCP with the following information:

(a) A description of the employee's former, current, and anticipated duties as they relate to the employee's occupational exposure to respirable crystalline silica;

(b) The employee's former, current, and anticipated levels of occupational exposure to respirable crystalline silica;

(c) A description of any personal protective equipment used or to be used by the employee, including when and for how long the employee has used or will use that equipment; and

(d) Information from records of employment-related medical examinations previously provided to the employee and currently within the control of the employer.

(6) PLHCP's written medical report for the employee. You must ensure that the PLHCP explains to the employee the results of the medical examination and provides each employee with a written medical report within thirty days of each medical examination performed. The written report must contain:

(a) A statement indicating the results of the medical examination, including any medical condition(s) that would place the employee at increased risk of material impairment to health from exposure to respirable crystalline silica and any medical conditions that require further evaluation or treatment;

(b) Any recommended limitations on the employee's use of respirators;

(c) Any recommended limitations on the employee's exposure to respirable crystalline silica; and

(d) A statement that the employee should be examined by a specialist under subsection (9)(a) of this section if the chest X-ray provided in accordance with this chapter is classified as 1/0 or higher by the B Reader, or if referral to a specialist is otherwise deemed appropriate by the PLHCP.

(7) PLHCP's written medical opinion for employers. You must obtain a written medical opinion from the PLHCP within thirty days of the medical examination. The written opinion must contain only the following:

- (a) The date of the examination;
- (b) A statement that the examination has met the requirements of this section;

(c) Any recommended limitations on the employee's use of respirators; and

(d) If the employee provides written authorization, the written opinion shall also contain either or both of the following:

(i) Any recommended limitations on the employee's exposure to respirable crystalline silica;

(ii) A statement that the employee should be examined by a specialist under subsection (9)(a) of this section if the

chest X-ray provided in accordance with this chapter is classified as 1/0 or higher by the B Reader, or if referral to a specialist is otherwise deemed appropriate by the PLHCP.

(8) You must ensure that each employee receives a copy of the written medical opinion described in subsection (7) of this section within thirty days of each medical examination performed.

(9) Additional examinations.

(a) If the PLHCP's written medical opinion indicates that an employee should be examined by a specialist, you must make available a medical examination by a specialist within thirty days after receiving the PLHCP's written opinion. You must ensure that:

(i) The examining specialist is provided with all of the information that the employer is obligated to provide to the PLHCP in accordance with subsection (5) of this section.

(ii) The specialist explains to the employee the results of the medical examination and provides each employee with a written medical report within thirty days of the examination. The written report shall meet the requirements of subsection (6)(a), (b), and (c) of this section.

(b) You must obtain a written opinion from the specialist within thirty days of the medical examination. The written opinion shall meet the requirements of subsection (7), except (b) and (d)(ii) of this section.

#### NEW SECTION

**WAC 296-840-150 Communication of respirable crystalline silica hazards to employees.** (1) Regarding hazard communication you must:

(a) Include respirable crystalline silica in the program established to comply with chapter 296-901 WAC, Globally harmonized system for hazard communication.

(b) Ensure that each employee has access to labels on containers of crystalline silica and safety data sheets, and is trained in accordance with WAC 296-901-14016 and subsection (3) of this section. The employer shall ensure that at least the following hazards are addressed: Cancer, lung effects, immune system effects, and kidney effects.

(2) Signs. Where a regulated area is established you must post signs at all entrances to the regulated areas that bear the following legend:

DANGER  
RESPIRABLE CRYSTALLINE SILICA  
MAY CAUSE CANCER  
CAUSES DAMAGE TO LUNGS  
WEAR RESPIRATORY PROTECTION IN THIS AREA  
AUTHORIZED PERSONNEL ONLY

(3) Regarding employee information and training, you must ensure that each employee covered by this chapter can demonstrate knowledge and understanding of at least the following:

(a) The health hazards associated with exposure to respirable crystalline silica;

(b) Specific tasks in the workplace that could result in exposure to respirable crystalline silica;

(c) Specific measures you have implemented to protect employees from exposure to respirable crystalline silica,

including engineering controls, work practices, and respirators to be used;

(d) The contents of this chapter;

(e) The purpose and a description of the medical surveillance program required by WAC 296-840-145, and notice that the medical surveillance program under this chapter is not intended to reduce a worker's legal rights under Title 51 RCW;

(f) The identity of the competent person designated by the employer in accordance with WAC 296-840-140 (4)(b).

(4) You must make a copy of this chapter readily available without cost to each employee covered by this chapter.

#### NEW SECTION

**WAC 296-840-155 Recordkeeping.** (1) Air monitoring data.

(a) You must make and maintain an accurate record of all exposure measurements taken to assess employee exposure to respirable crystalline silica, as prescribed in WAC 296-840-105(2). This record must include at least the following information:

- (i) The date of measurement for each sample taken;
- (ii) The task monitored;
- (iii) Sampling and analytical methods used;
- (iv) Number, duration, and results of samples taken;
- (v) Identity of the laboratory that performed the analysis;
- (vi) Type of personal protective equipment, such as respirators, worn by the employees monitored; and
- (vii) Name, Social Security number, and job classification of all employees represented by the monitoring, indicating which employees were actually monitored.

(b) You must ensure that exposure records are maintained and made available in accordance with chapter 296-802 WAC, Employee medical and exposure records.

(2) Objective data.

(a) You must make and maintain an accurate record of all objective data relied upon to comply with the requirements of this chapter. This record must include at least the following information:

- (i) The crystalline silica-containing material in question;
- (ii) The source of the objective data;
- (iii) The testing protocol and results of testing;
- (iv) A description of the process, task, or activity on which the objective data were based; and
- (v) Other data relevant to the process, task, activity, material, or exposures on which the objective data were based.

(b) You must ensure that objective data are maintained and made available in accordance with chapter 296-802 WAC, Employee medical and exposure records.

(3) Medical surveillance.

(a) You must make and maintain an accurate record for each employee covered by medical surveillance under WAC 296-840-145. The record must include the following information about the employee:

- (i) Name and Social Security number;
- (ii) A copy of the PLHCPs' and specialists' written medical opinions; and

(iii) A copy of the information provided to the PLHCPs and specialists.

(b) You must ensure that medical records are maintained and made available in accordance with chapter 296-802 WAC, Employee medical and exposure records.

#### NEW SECTION

**WAC 296-840-160 Effective dates.** This chapter becomes effective on February 26, 2018. Employers must comply with obligations of this chapter in accordance with the following:

(1) For occupational exposures to respirable crystalline silica in construction work, employers must comply with all obligations of this chapter by October 1, 2018. This includes the sample analysis requirement.

(2) For all occupational exposures to respirable crystalline silica other than construction work, employers must comply with this chapter by July 1, 2019, except as follows:

(a) Where employee exposure to respirable crystalline silica is above the PEL for thirty or more days per year medical surveillance requirements in WAC 296-840-145 must be complied with by October 1, 2018.

(b) Where employee exposure to respirable crystalline silica is at or above the action level or the STEL for thirty or more days per year medical surveillance requirements in WAC 296-840-145 must be complied with by June 23, 2020.

(c) For hydraulic fracturing operations in the oil and gas industry, obligations for engineering controls under WAC 296-840-120(1) begin July 1, 2022.

#### NEW SECTION

**WAC 296-840-165 Appendix A—Methods of sample analysis.** This appendix specifies the procedures for analyzing air samples for respirable crystalline silica, as well as the quality control procedures that employers must ensure that laboratories use when performing an analysis required under WAC 296-840-105(4). Employers must ensure that such a laboratory:

(1) Evaluates all samples using the procedures specified in one of the following analytical methods: OSHA ID-142; NMAM 7500; NMAM 7602; NMAM 7603; MSHA P-2; or MSHA P-7;

(2) Is accredited to ANS/ISO/IEC Standard 17025:2005 with respect to crystalline silica analyses by a body that is compliant with ISO/IEC Standard 17011:2004 for implementation of quality assessment programs;

(3) Uses the most current National Institute of Standards and Technology (NIST) or NIST traceable standards for instrument calibration or instrument calibration verification;

(4) Implements an internal quality control (QC) program that evaluates analytical uncertainty and provides employers with estimates of sampling and analytical error;

(5) Characterizes the sample material by identifying polymorphs of respirable crystalline silica present, identifies the presence of any interfering compounds that might affect the analysis, and makes any corrections necessary in order to obtain accurate sample analysis; and

(6) Analyzes quantitatively for crystalline silica only after confirming that the sample matrix is free of uncorrect-

able analytical interferences, corrects for analytical interferences, and uses a method that meets the following performance specifications:

(a) Each day that samples are analyzed, performs instrument calibration checks with standards that bracket the sample concentrations;

(b) Uses five or more calibration standard levels to prepare calibration curves and ensures that standards are distributed through the calibration range in a manner that accurately reflects the underlying calibration curve; and

(c) Optimizes methods and instruments to obtain a quantitative limit of detection that represents a value no higher than 25 percent of the PEL based on sample air volume.

**AMENDATORY SECTION** (Amending WSR 17-18-075, filed 9/5/17, effective 10/6/17)

**WAC 296-841-20025 Permissible exposure limits (PELs).**

**IMPORTANT:**

The following information applies to Table 3, Permissible Exposure Limits (PELs) for Airborne Contaminants.

(1) Ppm refers to parts of vapor or gas per million parts of air by volume, at 25 degrees C and 760 mm Hg pressure.

(2) Mg/m<sup>3</sup> refers to milligrams of an airborne contaminant per cubic meter of air.

(3) F/cc refers to fibers per cubic centimeter of air.

(4) For a metal that is measured as the metal itself, only the CAS number for the metal is given. The CAS numbers for individual compounds of the metal are not provided. For more information about CAS registry numbers see the web site: <http://www.cas.org>.

(5) Short-term exposure limits (STEL) pertain to fifteen-minute exposure periods, unless another time period is noted in Table 3.

(6) An "X" in the "skin" column indicates the contaminant can be absorbed through the skin, either by airborne or direct contact.

(a) Personal protective equipment (PPE) to prevent skin contact may be needed to minimize the risk for adverse health effects when employees are exposed to these chemicals.

(b) Requirements for the use of gloves, coveralls, goggles, and other personal protective equipment can be found in WAC 296-800-160, Personal protective equipment (PPE).

(7) Nuisance dusts (also known as inert dusts) are included in the Table 3 listing, particulates not otherwise regulated (PNOR).

The PNOR listing in Table 3 also applies to other particulate airborne contaminants for which a specific PEL is NOT listed **unless** the airborne contaminant is found to require a lower limit.

(8) The respirable fraction of a particulate airborne contaminant is measured by sampling with a size-selector having the following characteristics:

Mean aerodynamic diameter in micrometers	Percent passing the selector
1	97
2	91
3	74
4	50
5	30
6	17
7	9
8	5
10	1

**Table 3 "Permissible Exposure Limits (PELs) for Airborne Contaminants"**

Airborne contaminant	CAS	TWA <sub>g</sub>	STEL	Ceiling	Skin
Abate (Temephos)	3383-96-8	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Acetaldehyde	75-07-0	100 ppm	150 ppm	—	—
Acetic acid	64-19-7	10 ppm	20 ppm	—	—
Acetic anhydride	108-24-7	—	—	5 ppm	—
Actinolite (asbestiform) (as asbestos) (see WAC 296-62-077 and chapter 296-65 WAC)	—	0.1 f/cc	1.0 f/cc (30 minutes)	—	—
Acetone	67-64-1	750 ppm	1,000 ppm	—	—
Acetonitrile	75-05-8	40 ppm	60 ppm	—	—
2-Acetylaminofluorene (see WAC 296-62-073)	53-96-3	—	—	—	—
Acetylene	74-86-2	Simple asphyxiant	—	—	—
Acetylene dichloride (1,2-Dichloroethylene)	540-59-0	200 ppm	250 ppm	—	—
Acetylene tetrabromide	79-27-6	1 ppm	3 ppm	—	—
Acetylsalicylic acid (Aspirin)	50-78-2	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Acrolein	107-02-8	0.1 ppm	0.3 ppm	—	—

Airborne contaminant	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Acrylamide	79-06-1	0.03 mg/m <sup>3</sup>	0.09 mg/m <sup>3</sup>	—	X
Acrylic acid	79-10-7	10 ppm	20 ppm	—	X
Acrylonitrile (Vinyl cyanide) (see WAC 296-62-07336)	107-13-1	2 ppm	10 ppm	—	—
Aldrin	309-00-2	0.25 mg/m <sup>3</sup>	0.75 mg/m <sup>3</sup>	—	X
Allyl alcohol	107-18-6	2 ppm	4 ppm	—	X
Allyl chloride	107-05-1	1 ppm	2 ppm	—	—
Allyl glycidyl ether (AGE)	106-92-3	5 ppm	10 ppm	—	—
Allyl propyl disulfide	2179-59-1	2 ppm	3 ppm	—	—
alpha-Alumina (Aluminum oxide)	1344-28-1	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Aluminum (as Al)	7429-90-5	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Pyro powders	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Welding fumes	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Soluble salts	—	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
Alkyls (NOC)	—	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
Aluminum oxide (Alundum, Corundum)	7429-90-5	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
4-Aminodiphenyl (see WAC 296-62-073)	92-67-1	—	—	—	—
2-Aminoethanol (Ethanalamine)	141-43-5	3 ppm	6 ppm	—	—
2-Aminopyridine	504-29-0	0.5 ppm	1.5 ppm	—	—
Amitrole	61-82-5	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	—
Ammonia	7664-41-7	25 ppm	35 ppm	—	—
Ammonium chloride, fume	12125-02-9	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Ammonium sulfamate (Ammate)	7773-06-0	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5.0 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Amosite (as asbestos) (see WAC 296-62-077 ((and)) and chapter 296-65 WAC)	—	0.1 f/cc	1.0 f/cc (30 minutes)	—	—
n-Amyl acetate	628-63-7	100 ppm	150 ppm	—	—
sec-Amyl acetate	626-38-0	125 ppm	156 ppm	—	—
Aniline and homologues	62-53-3	2 ppm	4 ppm	—	X
Anisidine (o, p-isomers)	29191-52-4	0.1 ppm	0.3 ppm	—	X
Anthophyllite (asbestiform) (as asbestos) (see WAC 296-62-077 and chapter 296-65 WAC)	—	0.1 f/cc	1.0 f/cc (30 minutes)	—	—
Antimony and compounds (as Sb)	7440-36-0	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	—
ANTU (alpha Naphthyl thiourea)	86-88-4	0.3 mg/m <sup>3</sup>	0.9 mg/m <sup>3</sup>	—	—
Argon	7440-37-1	Simple asphyxiant	—	—	—
Arsenic, organic compounds (as As)	7440-38-2	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	—

Airborne contaminant	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Arsenic, inorganic compounds (as As) (when use is covered by chapter 296-848 WAC)	7440-38-2	0.01 mg/m <sup>3</sup>	—	—	—
Arsenic, inorganic compounds (as As) (when use is not covered by chapter 296-848 WAC)	7440-38-2	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	—
Arsine	7784-42-1	0.05 ppm	0.15 ppm	—	—
Asbestos (see WAC 296-62-077 and chapter 296-65 WAC)	—	0.1 f/cc	1.0 f/cc (30 minutes)	—	—
Asphalt (Petroleum fumes)	8052-42-4	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Atrazine	1912-24-9	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Azinphos methyl (Guthion)	86-50-0	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	X
Azodrin (Monocrotophos)	6923-22-4	0.25 mg/m <sup>3</sup>	0.75 mg/m <sup>3</sup>	—	—
Barium, soluble compounds (as Ba)	7440-39-3	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	—
Barium sulfate	7727-43-7	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Baygon (Propoxur)	114-26-1	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	—
Benomyl	17804-35-2	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Benzene (see chapter 296-849 WAC)	71-43-2	1 ppm	5 ppm	—	—
Benzidine (see WAC 296-62-073)	92-87-5	—	—	—	—
p-Benzoquinone (Quinone)	106-51-4	0.1 ppm	0.3 ppm	—	—
Benzo(a) pyrene (Coal tar pitch volatiles)	65996-93-2	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	—
Benzoyl peroxide	94-36-0	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Benzyl chloride	100-44-7	1 ppm	3 ppm	—	—
Beryllium and beryllium compounds (as Be) (See WAC 296-62-085)	7440-41-7	((0.002)) 0.002 mg/m <sup>3</sup>	((0.005)) 0.002 mg/m <sup>3</sup> (30 min.)	0.025 mg/m <sup>3</sup>	—
Biphenyl (Diphenyl)	92-52-4	0.2 ppm	0.6 ppm	—	—
Bismuth telluride, undoped	1304-82-1	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Bismuth telluride, Se-doped	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Borates, tetra, sodium salts	—	—	—	—	—
Anhydrous	1330-43-4	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Decahydrate	1303-96-4	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Pentahydrate	12179-04-3	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Boron oxide	1303-86-2	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Boron tribromide	10294-33-4	—	—	1 ppm	—
Boron trifluoride	6737-07-2	—	—	1 ppm	—
Bromacil	314-40-9	1 ppm	3 ppm	—	—

Airborne contaminant	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Bromine	7726-95-6	0.1 ppm	0.3 ppm	—	—
Bromine pentafluoride	7789-30-2	0.1 ppm	0.3 ppm	—	—
Bromochloromethane (((Chlorobromomethane))) (Chlorobromomethane)	74-97-5	200 ppm	250 ppm	—	—
Bromoform	15-25-2	0.5 ppm	1.5 ppm	—	X
Butadiene (1,3-butadiene) (see WAC 296-62-07460)	106-99-0	1 ppm	5 ppm	—	—
Butane	106-97-8	800 ppm	1,000 ppm	—	—
Butanethiol (Butyl mercaptan)	109-79-5	0.5 ppm	1.5 ppm	—	—
2-Butanone (Methyl ethyl ketone)	78-93-3	200 ppm	300 ppm	—	—
2-Butoxy ethanol (Butyl cellosolve)	111-76-2	25 ppm	38 ppm	—	X
n-Butyl acetate	123-86-4	150 ppm	200 ppm	—	—
sec-Butyl acetate	105-46-4	200 ppm	250 ppm	—	—
tert-Butyl acetate	540-88-5	200 ppm	250 ppm	—	—
Butyl acrylate	141-32-2	10 ppm	20 ppm	—	—
n-Butyl alcohol	71-36-3	—	—	50 ppm	X
sec-Butyl alcohol	78-92-2	100 ppm	150 ppm	—	—
tert-Butyl alcohol	75-65-0	100 ppm	150 ppm	—	—
Butylamine	109-73-9	—	—	5 ppm	X
Butyl cellosolve (2-Butoxy ethanol)	111-76-2	25 ppm	38 ppm	—	—
tert-Butyl chromate (as Cr) (see WAC 296-62-08003)	1189-85-1	0.005 mg/m <sup>3</sup>	—	0.1 mg/m <sup>3</sup>	X
n-Butyl glycidyl ether (BGE)	2426-08-6	25 ppm	38 ppm	—	—
n-Butyl lactate	138-22-7	5 ppm	10 ppm	—	—
Butyl mercaptan	109-79-5	0.5 ppm	1.5 ppm	—	—
o-sec-Butylphenol	89-72-5	5 ppm	10 ppm	—	X
p-tert-Butyl-toluene	98-51-1	10 ppm	20 ppm	—	—
Cadmium oxide fume (as Cd) (see WAC 296-62-074 and 296-155-174)	1306-19-0	0.005 mg/m <sup>3</sup>	—	—	—
Cadmium dust and salts (as Cd) (see WAC 296-62-074 and 296-155-174)	7440-43-9	0.005 mg/m <sup>3</sup>	—	—	—
Calcium arsenate (see chapter 296-848 WAC)	—	0.01 mg/m <sup>3</sup>	—	—	—
Calcium carbonate	1317-65-3	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Calcium cyanamide	156-62-7	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	—
Calcium hydroxide	1305-62-0	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Calcium oxide	1305-78-8	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
Calcium silicate	1344-95-2	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Calcium sulfate	7778-18-9	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—

Airborne contaminant	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Camphor (synthetic)	76-22-2	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
Caprolactam	105-60-2	—	—	—	—
Dust	—	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Vapor	—	5 ppm	10 ppm	—	—
Captafol (Difolatan)	2425-06-1	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Captan	133-06-2	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Carbaryl (Sevin)	63-25-2	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Carbofuran (Furadon)	1563-66-2	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Carbon black	1333-86-4	3.5 mg/m <sup>3</sup>	7 mg/m <sup>3</sup>	—	—
Carbon dioxide	124-38-9	5,000 ppm	30,000 ppm	—	—
Carbon disulfide	75-15-0	4 ppm	12 ppm	—	X
Carbon monoxide	630-08-0	35 ppm	200 ppm (5 min.)	1,500 ppm	—
Carbon tetrabromide	558-13-4	0.1 ppm	0.3 ppm	—	—
Carbon tetrachloride (Tetrachloromethane)	56-23-5	2 ppm	4 ppm	—	X
Carbonyl chloride (Phosgene)	7803-51-2	0.1 ppm	0.3 ppm	—	—
Carbonyl fluoride	353-50-4	2 ppm	5 ppm	—	—
Catechol (Pyrocatechol)	120-80-9	5 ppm	10 ppm	—	X
Cellosolve acetate (2-Ethoxyethylacetate)	111-15-9	5 ppm	10 ppm	—	X
Cellulose (paper fiber)	9004-34-6	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Cesium hydroxide	21351-79-1	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
Chlordane	57-74-9	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	X
Chlorinated camphene (Toxaphen)	8001-35-2	0.5 mg/m <sup>3</sup>	1 mg/m <sup>3</sup>	—	X
Chlorinated diphenyl oxide	55720-99-5	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	—
Chlorine	7782-50-5	0.5 ppm	—	1 ppm	—
Chlorine dioxide	10049-04-4	0.1 ppm	0.3 ppm	—	—
Chlorine trifluoride	7790-91-2	—	—	0.1 ppm	—
Chloroacetaldehyde	107-20-0	—	—	1 ppm	—
a-Chloroacetophenone (Phenacyl chloride)	532-21-4	0.05 ppm	0.15 ppm	—	—
Chloroacetyl chloride	79-04-9	0.05 ppm	0.15 ppm	—	—
Chlorobenzene (Monochlorobenzene)	108-90-7	75 ppm	113 ppm	—	—
o-Chlorobenzylidene malononitrile (OCBM)	2698-41-1	—	—	0.05 ppm	X
Chlorobromomethane	74-97-5	200 ppm	250 ppm	—	—
2-Chloro-1, 3-butadiene (beta-Chloroprene)	126-99-8	10 ppm	20 ppm	—	X
Chlorodifluoromethane	75-45-6	1,000 ppm	1,250 ppm	—	—
Chlorodiphenyl (42% Chlorine) (PCB) (Polychlorobiphenyls)	53469-21-9	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	X
Chlorodiphenyl (54% Chlorine) (Polychlorobiphenyls (PCB))	11097-69-1	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	X
1-Chloro-2, 3-epoxypropane (Epichlorhydrin)	106-89-8	2 ppm	4 ppm	—	X

Airborne contaminant	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
2-Chloroethanol (Ethylene chlorohydrin)	107-07-3	—	—	1 ppm	X
Chloroethylene (vinyl chloride) (See WAC 296-62-07329)	75-01-4	1 ppm	5 ppm	—	—
Chloroform (Trichloromethane)	67-66-3	2 ppm	4 ppm	—	—
1-Chloro-1-nitropropane	600-25-9	2 ppm	4 ppm	—	—
bis-Chloromethyl ether (see WAC 296-62-073)	542-88-1	—	—	—	—
Chloromethyl methyl ether (Methyl chloromethyl ether) (see WAC 296-62-073)	107-30-2	—	—	—	—
Chloropentafluoroethane	76-15-3	1,000 ppm	1,250 ppm	—	—
Chloropicrin (Nitrotrichloromethane)	76-06-2	0.1 ppm	0.3 ppm	—	—
beta-Chloroprene (2-Chloro-1, 3-butadiene)	126-99-8	10 ppm	20 ppm	—	X
o-Chlorostyrene	2039-87-4	50 ppm	75 ppm	—	—
o-Chlorotoluene	95-49-8	50 ppm	75 ppm	—	—
2-Chloro-6-trichloromethyl pyridine (Nitrapyrin)	1929-82-4	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Chlorpyrifos	2921-88-2	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	X
Chromic acid and chromates (as Cr) (when the compound is not covered by WAC 296-62-08003)	Varies with compound	—	—	0.1 mg/m <sup>3</sup>	—
Chromium	—	—	—	—	—
Chromium (VI) compounds (as Cr) (when the compound is covered by WAC 296-62-08003)	—	0.005 mg/m <sup>3</sup>	—	—	—
Chromium metal or Chromium (II) compounds Or Chromium (III) compounds	7440-47-3	0.5 mg/m <sup>3</sup>	—	—	—
Chromyl chloride (as Cr) (see WAC 296-62-08003)	14977-61-8	0.005 mg/m <sup>3</sup>	—	—	—
Chrysene (Coal tar pitch volatiles)	65996-93-2	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	—
Chrysotile (as asbestos) (see WAC 296-62-077 and chapter 296-65 WAC)	—	0.1 f/cc	1.0 f/cc (30 minutes)	—	—
Clopidol	2971-90-6	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Coal dust (less than 5% SiO <sub>2</sub> )	—	—	—	—	—
Respirable fraction	—	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
Coal dust (greater than or equal to 5% SiO <sub>2</sub> )	—	—	—	—	—
Respirable fraction	—	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—



Airborne contaminant	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Coal tar pitch volatiles (benzene soluble fraction)	65996-93-2	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	—
Acridine					
Anthracene					
Benzo (a) pyrene					
Chrysene					
Phenanthrene					
Pyrene					
Cobalt, metal fume & dust (as Co)	7440-48-4	0.05 mg/m <sup>3</sup>	0.15 mg/m <sup>3</sup>	—	—
Cobalt carbonyl (as Co)	10210-68-1	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Cobalt hydrocarbonyl (as Co)	16842-03-8	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Coke oven emissions (see WAC 296-62-200)	—	0.15 mg/m <sup>3</sup>	—	—	—
Copper (as Cu)	7440-50-8	—	—	—	—
Fume	—	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Dusts and mists	—	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Cotton dust (raw) (waste sorting, blending, cleaning, willowing and garetting) (see WAC 296-62-14533)	—	1 mg/m <sup>3</sup>	—	—	—
Corundum (Aluminum oxide)	7429-90-5	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Crag herbicide (Sesone, Sodium-2, 4-dichloro-phenoxyethyl sulfate)	136-78-7	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Cresol (all isomers)	1319-77-3	5 ppm	10 ppm	—	X
Crocidolite (as asbestos) (see WAC 296-62-077 and chapter 296-65 WAC)	—	0.1 f/cc	1.0 f/cc (30 minutes)	—	—
Crotonaldehyde	123-73-9; 4170-30-3	2 ppm	4 ppm	—	—
Crufomate	299-86-5	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Cumene	98-82-8	50 ppm	75 ppm	—	X
Cyanamide	420-04-2	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
Cyanide (as CN)	Varies with compound	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	X
Cyanogen	460-19-5	10 ppm	20 ppm	—	—
Cyanogen chloride	506-77-4	—	—	0.3 ppm	—
Cyclohexane	110-82-7	300 ppm	375 ppm	—	—
Cyclohexanol	108-93-0	50 ppm	75 ppm	—	X
Cyclohexanone	108-94-1	25 ppm	38 ppm	—	X
Cyclohexene	110-83-8	300 ppm	375 ppm	—	—
Cyclohexylamine	108-91-8	10 ppm	20 ppm	—	—
Cyclonite (RDX)	121-82-4	1.5 mg/m <sup>3</sup>	3.0 mg/m <sup>3</sup>	—	X
Cyclopentadiene	542-92-7	75 ppm	113 ppm	—	—
Cyclopentane	287-92-3	600 ppm	750 ppm	—	—
Cyhexatin (Tricyclohexyltin hydroxide)	13121-70-5	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
2,4-D (Dichlorophenoxy-acetic acid)	94-75-7	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—

Airborne contaminant	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
DBCP (1,2-Dibromo-3-chloropropane) (See WAC 296-62-07342)	96-12-8	0.001 ppm	—	0.005 ppm	—
DDT (Dichlorodiphenyltri-chloroethane)	50-29-3	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	X
DDVP, (Dichlorvos)	62-73-7	0.1 ppm	0.3 ppm	—	X
Dasanit (Fensulfothion)	115-90-2	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Decaborane	17702-41-9	0.05 ppm	0.15 ppm	—	X
Demeton	8065-48-3	0.01 ppm	0.03 ppm	—	X
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	123-42-2	50 ppm	75 ppm	—	—
1, 2-Diaminoethane (Ethylenediamine)	107-15-3	10 ppm	20 ppm	—	—
Diazinon	333-41-5	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Diazomethane	334-88-3	0.2 ppm	0.6 ppm	—	—
Diborane	19287-45-7	0.1 ppm	0.3 ppm	—	—
Dibrom (see Naled)	300-76-5	3 mg/m <sup>3</sup>	6 mg/m <sup>3</sup>	—	X
1, 2-Dibromo-3-chloropropane (DBCP) (see WAC 296-62-07342)	96-12-8	0.001 ppm	—	0.005 ppm	—
2-N-Dibutylamino ethanol	102-81-8	2 ppm	4 ppm	—	X
Dibutyl phosphate	107-66-4	1 ppm	2 ppm	—	—
Dibutyl phthalate	84-74-2	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Dichloroacetylene	7572-29-4	—	—	0.1 ppm	—
o-Dichlorobenzene	95-50-1	—	—	50 ppm	—
p-Dichlorobenzene	106-46-7	75 ppm	110 ppm	—	—
3, 3'-Dichlorobenzidine (see WAC 296-62-073)	91-94-1	—	—	—	—
Dichlorodiphenyltri-chloroethane (DDT)	50-29-3	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	X
Dichlorodifluoromethane	75-71-8	1,000 ppm	1,250 ppm	—	—
1, 3-Dichloro-5, 5-dimethyl hydantoin	118-52-5	0.2 mg/m <sup>3</sup>	0.4 mg/m <sup>3</sup>	—	—
1, 1-Dichloroethane (Ethyldine chloride)	75-34-3	100 ppm	150 ppm	—	—
1, 2-Dichloroethane (Ethylene dichloride)	107-06-2	1 ppm	2 ppm	—	—
1, 1-Dichloroethylene (Vinylidene chloride)	75-35-4	1 ppm	3 ppm	—	—
1, 2-Dichloroethylene (Acetylene dichloride)	540-59-0	200 ppm	250 ppm	—	—
Dichloroethyl ether	111-44-4	5 ppm	10 ppm	—	X
Dichlorofluoromethane	75-43-4	10 ppm	20 ppm	—	—
Dichloromethane (Methylene chloride) (See chapter 296-859 WAC)	75-09-2	25 ppm	125 ppm	—	—
1, 1-Dichloro-1-nitroethane	594-72-9	2 ppm	10 ppm	—	—
Dichlorophenoxyacetic acid (2, 4-D)	94-75-7	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
1, 2-Dichloropropane (Propylene dichloride)	78-87-5	75 ppm	110 ppm	—	—
Dichloropropene	542-75-6	1 ppm	3 ppm	—	X

Airborne contaminant	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
2, 2-Dichloropropionic acid	75-99-0	1 ppm	3 ppm	—	—
Dichlorotetrafluoroethane	76-14-2	1,000 ppm	1,250 ppm	—	—
Dichlorvos (DDVP)	62-73-7	0.1 ppm	0.3 ppm	—	X
Dicrotophos	141-66-2	0.25 mg/m <sup>3</sup>	0.75 mg/m <sup>3</sup>	—	X
Dicyclopentadiene	77-73-6	5 ppm	10 ppm	—	—
Dicyclopentadienyl iron	102-54-5	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Dieldrin	60-57-1	0.25 mg/m <sup>3</sup>	0.75 mg/m <sup>3</sup>	—	X
Diethanolamine	111-42-2	3 ppm	6 ppm	—	—
Diethylamine	109-89-7	10 ppm	25 ppm	—	—
2-Diethylaminoethanol	100-37-8	10 ppm	20 ppm	—	X
Diethylene triamine	111-40-0	1 ppm	3 ppm	—	X
Diethyl ether (Ethyl ether)	60-29-7	400 ppm	500 ppm	—	—
Diethyl ketone	96-22-0	200 ppm	250 ppm	—	—
Diethyl phthalate	84-66-2	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Difluorodibromomethane	75-61-6	100 ppm	150 ppm	—	—
Difolatan (Captafol)	2425-06-1	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Diglycidyl ether (DGE)	2238-07-5	0.1 ppm	0.3 ppm	—	—
Dihydroxybenzene (Hydroquinone)	123-31-9	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
Diisobutyl ketone (2, 6-Dimethylheptanone)	108-83-8	25 ppm	38 ppm	—	—
Diisopropylamine	108-18-9	5 ppm	10 ppm	—	X
Dimethoxymethane (Methylal)	109-87-5	1,000 ppm	1,250 ppm	—	—
Dimethyl acetamide	127-19-5	10 ppm	20 ppm	—	X
Dimethylamine	124-40-3	10 ppm	20 ppm	—	—
4-Dimethylaminoazo benzene (see WAC 296-62-073)	60-11-7	—	—	—	—
Dimethylaminobenzene (Xylidene)	1300-73-8	2 ppm	4 ppm	—	X
Dimethylaniline (N, N-Dimethylaniline)	121-69-7	5 ppm	10 ppm	—	X
Dimethylbenzene (Xylene)	1300-73-8	100 ppm	150 ppm	—	—
Dimethyl-1, 2-dibromo-2, 2-dichloroethyl phosphate (Naled)	300-76-5	3 mg/m <sup>3</sup>	6 mg/m <sup>3</sup>	—	X
Dimethylformamide	68-12-2	10 ppm	20 ppm	—	X
2, 6-Dimethylheptanone (Diisobutyl ketone)	108-83-8	25 ppm	38 ppm	—	—
1, 1-Dimethylhydrazine	57-14-7	0.5 ppm	1.5 ppm	—	X
Dimethyl phthalate	131-11-3	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Dimethyl sulfate	77-78-1	0.1 ppm	0.3 ppm	—	X
Dinitolmide (3, 5-Dinitro-o-toluamide)	148-01-6	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Dinitrobenzene (all isomers - alpha, meta and para)	528-29-0; 99-65-0; 100-25-4	0.15 ppm	0.45 ppm	—	X
Dinitro-o-cresol	534-52-1	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	X
3, 5-Dinitro-o-toluamide (Dinitolmide)	148-01-6	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Dinitrotoluene	25321-14-6	1.5 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	X
Dioxane (Diethylene dioxide)	123-91-1	25 ppm	38 ppm	—	X

Airborne contaminant	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Dioxathion	78-34-2	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	X
Diphenyl (Biphenyl)	92-52-4	0.2 ppm	0.6 ppm	—	—
Diphenylamine	122-39-4	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Diphenylmethane diisocyanate (Methylene bisphenyl isocyanate (MDI))	101-68-8	—	—	0.02 ppm	—
Dipropylene glycol methyl ether	34590-94-8	100 ppm	150 ppm	—	X
Dipropyl ketone	123-19-3	50 ppm	75 ppm	—	—
Diquat	85-00-7	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	—
Di-sec, Octyl phthalate (Di-2-ethylhexylphthalate)	117-81-7	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Disulfram	97-77-8	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
Disulfoton	298-04-4	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
2, 6-Di-tert-butyl-p-cresol	128-37-0	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Diuron	330-54-1	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Divinyl benzene	1321-74-0	10 ppm	20 ppm	—	—
Emery	12415-34-8	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Endosulfan (Thiodan)	115-29-7	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Endrin	72-20-8	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Epichlorhydrin (1-Chloro-2, 3-epoxypropane)	106-89-8	2 ppm	4 ppm	—	X
EPN	2104-64-5	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	X
1, 2-Epoxypropane (Propylene oxide)	75-56-9	20 ppm	30 ppm	—	—
2, 3-Epoxy-1-propanol (Glycidol)	556-52-5	25 ppm	38 ppm	—	—
Ethane	—	Simple asphyxiant	—	—	—
Ethanethiol (Ethyl mercaptan)	75-08-1	0.5 ppm	1.5 ppm	—	—
Ethanol (Ethyl alcohol)	64-17-5	1,000 ppm	1,250 ppm	—	—
Ethanolamine (2-Aminoethanol)	141-43-5	3 ppm	6 ppm	—	—
Ethion	563-12-2	0.4 mg/m <sup>3</sup>	1.2 mg/m <sup>3</sup>	—	X
2-Ethoxyethanol (Glycol monoethyl ether)	110-80-5	5 ppm	10 ppm	—	X
2-Ethoxyethyl acetate (Cellosolve acetate)	111-15-9	5 ppm	10 ppm	—	X
Ethyl acetate	141-78-6	400 ppm	500 ppm	—	—
Ethyl acrylate	140-88-5	5 ppm	25 ppm	—	X
Ethyl alcohol (ethanol)	64-17-5	1,000 ppm	1,250 ppm	—	—
Ethylamine	75-04-07	10 ppm	20 ppm	—	—
Ethyl amyl ketone (5-Methyl-3-hepatone)	541-85-5	25 ppm	38 ppm	—	—
Ethyl benzene	100-41-4	100 ppm	125 ppm	—	—
Ethyl bromide	74-96-4	200 ppm	250 ppm	—	—
Ethyl butyl ketone (3-Heptanone)	106-35-4	50 ppm	75 ppm	—	—
Ethyl chloride	75-00-3	1,000 ppm	1,250 ppm	—	—
Ethylene	74-85-1	Simple asphyxiant	—	—	—
Ethylene chlorohydrin (2-Chloroethanol)	107-07-3	—	—	1 ppm	X

Airborne contaminant	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Ethylenediamine (1,2-Diaminoethane)	107-15-3	10 ppm	20 ppm	—	X
Ethylene dibromide	106-93-4	0.1 ppm	0.5 ppm	—	—
Ethylene dichloride (1,2-Dichloroethane)	107-06-2	1 ppm	2 ppm	—	—
Ethylene glycol	107-21-1	—	—	50 ppm	—
Ethylene glycol dinitrate	628-96-6	—	0.1 mg/m <sup>3</sup>	—	X
Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)	—	5 ppm	10 ppm	—	X
Ethyleneimine (see WAC 296-62-073)	151-56-4	—	—	—	X
Ethylene oxide (see chapter 296-855 WAC)	75-21-8	1 ppm	5 ppm	—	—
Ethyl ether (Diethyl ether)	60-29-7	400 ppm	500 ppm	—	—
Ethyl formate	109-94-4	100 ppm	125 ppm	—	—
Ethylidene chloride (1, 1-Dichloroethane)	107-06-2	1 ppm	2 ppm	—	—
Ethylidene norbornene	16219-75-3	—	—	5.0 ppm	—
Ethyl mercaptan (Ethanethiol)	75-08-1	0.5 ppm	1.5 ppm	—	—
n-Ethylmorpholine	100-74-3	5 ppm	10 ppm	—	X
Ethyl sec-amyl ketone (5-methyl-3-heptanone)	541-85-5	25 ppm	38 ppm	—	—
Ethyl silicate	78-10-4	10 ppm	20 ppm	—	—
Fenamiphos	22224-92-6	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Fensulfothion (Dasanit)	115-90-2	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Fenthion	55-38-9	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	X
Ferbam	—	—	—	—	—
Total particulate	14484-64-1	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Ferrovandium dust	12604-58-9	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Fluorides (as F)	Varies with compound	2.5 mg/m <sup>3</sup>	5 mg/m <sup>3</sup>	—	—
Fluorine	7782-41-4	0.1 ppm	0.3 ppm	—	—
Fluorotrichloromethane (see Trichlorofluoro methane)	75-69-4	—	—	1,000 ppm	—
Fonofos	944-22-9	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Formaldehyde (see chapter 296-856 WAC)	50-00-0	0.75 ppm	2 ppm	—	—
Formamide	75-12-7	20 ppm	30 ppm	—	—
Formic acid	64-18-6	5 ppm	10 ppm	—	—
Furadon (carbofuran)	1563-66-2	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Furfural	98-01-1	2 ppm	4 ppm	—	X
Furfuryl alcohol	98-00-0	10 ppm	15 ppm	—	X
Gasoline	8006-61-9	300 ppm	500 ppm	—	—
Germanium tetrahydride	7782-65-2	0.2 ppm	0.6 ppm	—	—
Glass, fibrous or dust	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Glutaraldehyde	111-30-8	—	—	0.2 ppm	—
Glycerin mist	56-81-5	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Glycidol (2, 3-Epoxy-1-propanol)	556-52-5	25 ppm	38 ppm	—	—

Airborne contaminant	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Glycol monoethyl ether (2-Ethoxyethanol)	110-80-5	5 ppm	10 ppm	—	X
Grain dust (oat, wheat, barley)	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Graphite, natural	7782-42-5	—	—	—	—
Respirable particulate	—	2.5 mg/m <sup>3</sup>	5 mg/m <sup>3</sup>	—	—
Graphite, synthetic	—	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Guthion (Azinphosmethyl)	86-50-0	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	X
Gypsum	13397-24-5	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Hafnium	7440-58-6	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	—
Helium	—	Simple asphyxiant	—	—	—
Heptachlor	76-44-8	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	X
Heptane (n-heptane)	142-82-5	400 ppm	500 ppm	—	—
2-Heptanone (Methyl n-amyl ketone)	110-43-0	50 ppm	75 ppm	—	—
3-Heptanone (Ethyl butyl ketone)	106-35-4	50 ppm	75 ppm	—	—
Hexachlorobutadiene	87-68-3	0.02 ppm	0.06 ppm	—	X
Hexachlorocyclopentadiene	77-47-4	0.01 ppm	0.03 ppm	—	—
Hexachloroethane	67-72-1	1 ppm	3 ppm	—	X
Hexachloronaphthalene	1335-87-1	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	X
Hexafluoroacetone	684-16-2	0.1 ppm	0.3 ppm	—	X
Hexane	—	—	—	—	—
n-hexane	110-54-3	50 ppm	75 ppm	—	—
other isomers	Varies with compound	500 ppm	1,000 ppm	—	—
2-Hexanone (Methyl-n-butyl ketone)	591-78-6	5 ppm	10 ppm	—	—
Hexone (Methyl isobutyl ketone)	108-10-1	50 ppm	75 ppm	—	—
sec-Hexyl acetate	108-84-9	50 ppm	75 ppm	—	—
Hexylene glycol	107-41-5	—	—	25 ppm	—
Hydrazine	302-01-2	0.1 ppm	0.3 ppm	—	X
Hydrogen	—	Simple asphyxiant	—	—	—
Hydrogenated terphenyls	61788-32-7	0.5 ppm	1.5 ppm	—	—
Hydrogen bromide	10035-10-6	—	—	3.0 ppm	—
Hydrogen chloride	7647-01-0	—	—	5.0 ppm	—
Hydrogen cyanide	74-90-8	—	4.7 ppm	—	X
Hydrogen fluoride	7664-39-3	—	—	3 ppm	—
Hydrogen peroxide	7722-84-1	1 ppm	3 ppm	—	—
Hydrogen selenide (as Se)	7783-07-5	0.05 ppm	0.15 ppm	—	—
Hydrogen sulfide	7783-06-4	10 ppm	15 ppm	—	—
Hydroquinone (Dihydroxybenzene)	123-31-9	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
4-Hydroxy-4-methyl-2-pentanone (Diacetone alcohol)	123-42-2	50 ppm	75 ppm	—	—
2-Hydroxypropyl acrylate	99-61-1	0.5 ppm	1.5 ppm	—	X
Indene	95-13-6	10 ppm	20 ppm	—	—

Airborne contaminant	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Indium and compounds (as In)	7440-74-6	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Iodine	7553-56-2	—	—	0.1 ppm	—
Iodoform	75-47-8	0.6 ppm	1.8 ppm	—	—
Iron oxide dust and fume (as Fe)	1309-37-1	—	—	—	—
Total particulate	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Iron pentacarbonyl (as Fe)	13463-40-6	0.1 ppm	0.2 ppm	—	—
Iron salts, soluble (as Fe)	Varies with compound	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Isoamyl acetate	123-92-2	100 ppm	150 ppm	—	—
Isoamyl alcohol (primary and secondary)	123-51-3	100 ppm	125 ppm	—	—
Isobutyl acetate	110-19-0	150 ppm	188 ppm	—	—
Isobutyl alcohol	78-83-1	50 ppm	75 ppm	—	—
Isooctyl alcohol	26952-21-6	50 ppm	75 ppm	—	X
Isophorone	78-59-1	4 ppm	—	5 ppm	—
Isophorone diisocyanate	4098-71-9	0.005 ppm	0.02 ppm	—	X
Isopropoxyethanol	109-59-1	25 ppm	38 ppm	—	—
Isopropyl acetate	108-21-4	250 ppm	310 ppm	—	—
Isopropyl alcohol	67-63-0	400 ppm	500 ppm	—	—
Isopropylamine	75-31-0	5 ppm	10 ppm	—	—
N-Isopropylaniline	768-52-5	2 ppm	4 ppm	—	X
Isopropyl ether	108-20-3	250 ppm	313 ppm	—	—
Isopropyl glycidyl ether (IGE)	4016-14-2	50 ppm	75 ppm	—	—
Kaolin	—	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Ketene	463-51-4	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	—
Lannate (Methomyl)	16752-77-5	2.5 mg/m <sup>3</sup>	5 mg/m <sup>3</sup>	—	—
Lead, inorganic (as Pb) (see WAC 296-62-07521 and 296-155-176)	7439-92-1	0.05 mg/m <sup>3</sup>	—	—	—
Lead arsenate (as Pb) (see WAC 296-62-07521, 296-155-176, and chapter 296-848 WAC)	3687-31-8	0.05 mg/m <sup>3</sup>	—	—	—
Lead chromate (as Pb) (see WAC 296-62-08003, 296-62-07521, and 296-155-176)	7758-97-6	0.05 mg/m <sup>3</sup>	—	—	—
Limestone	1317-65-3	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Lindane	58-89-9	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	X
Lithium hydride	7580-67-8	0.025 mg/m <sup>3</sup>	0.075 mg/m <sup>3</sup>	—	—
L.P.G. (liquified petroleum gas)	68476-85-7	1,000 ppm	1,250 ppm	—	—
Magnesite	546-93-0	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Magnesium oxide fume	1309-48-4	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Malathion	121-75-5	—	—	—	—

Airborne contaminant	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	X
Maleic anhydride	108-31-6	0.25 ppm	0.75 ppm	—	—
Manganese and compounds (as Mn)	7439-96-5	—	—	5 mg/m <sup>3</sup>	—
Manganese cyclopentadienyl tricarbonyl (as Mn)	12079-65-1	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Manganese tetroxide and fume (as Mn)	7439-96-5	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Marble	1317-65-3	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
MBOCA (4, 4'-Methylene bis (2-chloro-aniline)) (see WAC 296-62-073)	101-14-4	—	—	—	X
MDA (4, 4-Methylene dianiline) (see WAC 296-62-076 and 296-155-173)	101-77-9	0.01 ppm	0.1 ppm	—	X
MDI (Methylene bisphenyl isocyanate) (Diphenylmethane diisocyanate)	101-68-8	—	—	0.02 ppm	—
MEK (Methyl ethyl ketone) (2-Butanone)	78-93-3	200 ppm	300 ppm	—	—
MEKP (Methyl ethyl ketone peroxide)	1338-23-4	—	—	0.2 ppm	—
Mercury (as Hg)	7439-97-6	—	—	—	—
Aryl and inorganic	—	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Organo-alkyl compounds	—	0.01 mg/m <sup>3</sup>	0.03 mg/m <sup>3</sup>	—	X
Vapor	—	0.05 mg/m <sup>3</sup>	0.15 mg/m <sup>3</sup>	—	X
Mesityl oxide	141-79-7	15 ppm	25 ppm	—	—
Methacrylic acid	79-41-4	20 ppm	30 ppm	—	X
Methane	—	Simple asphyxiant	—	—	—
Methanethiol (Methyl mercaptan)	74-93-1	0.5 ppm	1.5 ppm	—	—
Methanol (Methyl alcohol)	67-56-1	200 ppm	250 ppm	—	X
Methomyl (lannate)	16752-77-5	2.5 mg/m <sup>3</sup>	5 mg/m <sup>3</sup>	—	—
Methoxychlor	72-43-5	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
2-Methoxyethanol (Methyl cellosolve)	109-86-4	5 ppm	10 ppm	—	X
2-Methoxyethyl acetate (Methyl cellosolve acetate)	110-49-6	5 ppm	10 ppm	—	X
4-Methoxyphenol	150-76-5	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Methyl acetate	79-20-9	200 ppm	250 ppm	—	—
Methyl acetylene (propyne)	74-99-7	1,000 ppm	1,250 ppm	—	—
Methyl acetylene-propadiene mixture (MAPP)	—	1,000 ppm	1,250 ppm	—	—
Methyl acrylate	96-33-3	10 ppm	20 ppm	—	X
Methylacrylonitrile	126-98-7	1 ppm	3 ppm	—	X
Methylal (Dimethoxy-methane)	109-87-5	1,000 ppm	1,250 ppm	—	—
Methyl alcohol (methanol)	67-56-1	200 ppm	250 ppm	—	X



Airborne contaminant	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Methylamine	74-89-5	10 ppm	20 ppm	—	—
Methyl amyl alcohol (Methyl isobutyl carbinol)	108-11-2	25 ppm	40 ppm	—	X
Methyl n-amyl ketone (2-Heptanone)	110-43-0	50 ppm	75 ppm	—	—
N-Methyl aniline (Monomethyl aniline)	100-61-8	0.5 ppm	1.5 ppm	—	X
Methyl bromide	74-83-9	5 ppm	10 ppm	—	X
Methyl-n-butyl ketone (2-Hexanone)	591-78-6	5 ppm	10 ppm	—	—
Methyl cellosolve (2-Methoxyethanol)	109-86-4	5 ppm	10 ppm	—	X
Methyl cellosolve acetate (2-Methoxyethyl acetate)	110-49-6	5 ppm	10 ppm	—	X
Methyl chloride	74-87-3	50 ppm	100 ppm	—	—
Methyl chloroform (1, 1, 1-trichlorethane)	71-55-6	350 ppm	450 ppm	—	—
Methyl chloromethyl ether (chloromethyl methyl ether) (see WAC 296-62-073)	107-30-2	—	—	—	—
Methyl 2-cyanoacrylate	137-05-3	2 ppm	4 ppm	—	—
Methylcyclohexane	108-87-2	400 ppm	500 ppm	—	—
Methylcyclohexanol	25639-42-3	50 ppm	75 ppm	—	—
Methylcyclohexanone	583-60-8	50 ppm	75 ppm	—	X
Methylcyclopentadienyl manganese tricarbonyl (as Mn)	12108-13-3	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	X
Methyl demeton	8022-00-2	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	X
Methylene bisphenyl isocyanate (MDI) (Diphenylmethane diisocyanate)	101-68-8	—	—	0.02 ppm	—
4, 4'-Methylene bis (2-chloro-aniline) (MBOCA) (see WAC 296-62-073)	101-14-4	—	—	—	X
Methylene bis (4-cyclohexylisocyanate)	5124-30-1	—	—	0.01 ppm	—
Methylene chloride (Dichloromethane) (see chapter 296-859 WAC)	75-09-2	25 ppm	125 ppm	—	—
4, 4-Methylene dianiline (MDA) (see WAC 296-62-076 and 296-155-173)	101-77-9	0.01 ppm	0.1 ppm	—	X
Methyl ethyl ketone (MEK) (2-Butanone)	78-93-3	200 ppm	300 ppm	—	—
Methyl ethyl ketone peroxide (MEKP)	1338-23-4	—	—	0.2 ppm	—
Methyl formate	107-31-3	100 ppm	150 ppm	—	—
5-Methyl-3-heptanone (Ethyl amyl ketone)	541-85-5	25 ppm	38 ppm	—	—
Methyl hydrazine (Monomethyl hydrazine)	60-34-4	—	—	0.2 ppm	X
Methyl iodide	74-88-4	2 ppm	4 ppm	—	X
Methyl isoamyl ketone	110-12-3	50 ppm	75 ppm	—	—
Methyl isobutyl carbinol (Methyl amyl alcohol)	108-11-2	25 ppm	40 ppm	—	X
Methyl isobutyl ketone (Hexone)	108-10-1	50 ppm	75 ppm	—	—

Airborne contaminant	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Methyl isocyanate	624-83-9	0.02 ppm	0.06 ppm	—	X
Methyl isopropyl ketone	563-80-4	200 ppm	250 ppm	—	—
Methyl mercaptan (Methanethiol)	74-93-1	0.5 ppm	1.5 ppm	—	—
Methyl methacrylate	80-62-6	100 ppm	150 ppm	—	—
Methyl parathion	298-00-0	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	X
Methyl propyl ketone (2-Pentanone)	107-87-9	200 ppm	250 ppm	—	—
Methyl silicate	684-84-5	1 ppm	3 ppm	—	—
alpha-Methyl styrene	98-83-9	50 ppm	100 ppm	—	—
Mevinphos (Phosdrin)	7786-34-7	0.01 ppm	0.03 ppm	—	X
Metribuzin	21087-64-9	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Mica (Silicates)	12001-26-2	3 mg/m <sup>3</sup>	6 mg/m <sup>3</sup>	—	—
Respirable fraction					
Molybdenum (as Mo)	7439-98-7	—	—	—	—
Soluble compounds	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Insoluble compounds	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Monochlorobenzene (Chlorobenzene)	108-90-7	75 ppm	113 ppm	—	—
Monocrotophos (Azodrin)	6923-22-4	0.25 mg/m <sup>3</sup>	0.75 mg/m <sup>3</sup>	—	—
Monomethyl aniline (N-Methyl aniline)	100-61-8	0.5 ppm	1.5 ppm	—	X
Monomethyl hydrazine	—	—	—	0.2 ppm	—
Morpholine	110-91-8	20 ppm	30 ppm	—	X
Naled (Dibrom)	300-76-5	3 mg/m <sup>3</sup>	6 mg/m <sup>3</sup>	—	X
Naphtha	8030-30-6	100 ppm	150 ppm	—	X
Naphthalene	91-20-3	10 ppm	15 ppm	—	—
alpha-Naphthylamine (see WAC 296-62-073)	134-32-7	—	—	—	—
beta-Naphthylamine (see WAC 296-62-073)	91-59-8	—	—	—	—
Neon	7440-01-9	Simple asphyxiant	—	—	—
Nickel carbonyl (as Ni)	13463-39-3	0.001 ppm	0.003 ppm	—	—
Nickel (as Ni)	7440-02-0	—	—	—	—
Metal and insoluble compounds	—	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Soluble compounds	—	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Nicotine	54-11-5	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	X
Nitrapyrin (2-Chloro-6 trichloromethyl pyridine)	1929-82-4	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Nitric acid	7697-37-2	2 ppm	4 ppm	—	—
Nitric oxide	10102-43-9	25 ppm	38 ppm	—	—
p-Nitroaniline	100-01-6	3 mg/m <sup>3</sup>	6 mg/m <sup>3</sup>	—	X
Nitrobenzene	98-95-3	1 ppm	3 ppm	—	X
4-Nitrobiphenyl (see WAC 296-62-073)	92-93-3	—	—	—	—
p-Nitrochlorobenzene	100-00-5	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	X
4-Nitrodiphenyl (see WAC 296-62-073)	—	—	—	—	—
Nitroethane	79-24-3	100 ppm	150 ppm	—	—
Nitrogen	7727-37-9	Simple asphyxiant	—	—	—

Airborne contaminant	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Nitrogen dioxide	10102-44-0	—	1 ppm	—	—
Nitrogen oxide (Nitrous oxide)	10024-97-2	50 ppm	75 ppm	—	—
Nitrogen trifluoride	7783-54-2	10 ppm	20 ppm	—	—
Nitroglycerin	55-63-0	—	0.1 mg/m <sup>3</sup>	—	X
Nitromethane	75-52-5	100 ppm	150 ppm	—	—
1-Nitropropane	108-03-2	25 ppm	38 ppm	—	—
2-Nitropropane	79-46-9	10 ppm	20 ppm	—	—
N-Nitrosodimethylamine (see WAC 296-62-073)	62-75-9	—	—	—	—
Nitrotoluene	—	—	—	—	—
o-isomer	88-72-2	2 ppm	4 ppm	—	X
m-isomer	98-08-2	2 ppm	4 ppm	—	X
p-isomer	99-99-0	2 ppm	4 ppm	—	X
Nitrotrichloromethane (Chloropicrin)	76-06-2	0.1 ppm	0.3 ppm	—	—
Nitrous oxide (Nitrogen oxide)	10024-97-2	50 ppm	75 ppm	—	—
Nonane	111-84-2	200 ppm	250 ppm	—	—
Nuisance dusts (see Particulates not otherwise regulated)	—	—	—	—	—
Octachloronaphthalene	2234-13-1	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Octane	111-65-9	300 ppm	375 ppm	—	—
Oil mist mineral (particulate)	8012-95-1	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Osmium tetroxide (as Os)	20816-12-0	0.0002 ppm	0.0006 ppm	—	—
Oxalic acid	144-62-7	1 mg/m <sup>3</sup>	2 mg/m <sup>3</sup>	—	—
Oxygen	—	—	—	—	—
See requirements in other chapters such as: Chapter 296-809 WAC, Confined spaces; chapter 296-843 WAC, Hazardous waste operations; chapter 296-824 WAC, Emergency response; WAC 296-62-100, Oxygen deficient atmospheres					
Oxygen difluoride	7783-41-7	—	—	0.05 ppm	—
Ozone	10028-15-6	0.1 ppm	0.3 ppm	—	—
Paper fiber (Cellulose)	9004-34-6	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Paraffin wax fume	8002-74-2	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
Paraquat	—	—	—	—	—
Respirable fraction	4685-14-7 1910-42-5 2074-50-2	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Parathion	56-38-2	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Particulate polycyclic aromatic hydrocarbons (see coal tar pitch volatiles)	—	—	—	—	—
Particulates not otherwise regulated	—	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—

Airborne contaminant	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Pentaborane	19624-22-7	0.005 ppm	0.015 ppm	—	—
Pentachloronaphthalene	1321-64-8	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	X
Pentachlorophenol	87-86-5	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	X
Pentaerythritol	115-77-5	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Pentane	109-66-0	600 ppm	750 ppm	—	—
2-Pentanone (methyl propyl ketone)	107-87-9	200 ppm	250 ppm	—	—
Perchloroethylene (tetrachloroethylene)	127-18-4	25 ppm	38 ppm	—	—
Perchloromethyl mercaptan	594-42-3	0.1 ppm	0.3 ppm	—	—
Perchloryl fluoride	7616-94-6	3 ppm	6 ppm	—	—
Perlite	—	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Petroleum distillates (Naphtha, rubber solvent)	—	100 ppm	150 ppm	—	—
Phenacyl chloride (a-Chloroacetophenone)	532-21-4	0.05 ppm	0.15 ppm	—	—
Phenol	108-95-2	5 ppm	10 ppm	—	X
Phenothiazine	92-84-2	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	X
p-Phenylene diamine	106-50-3	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Phenyl ether (vapor)	101-84-8	1 ppm	3 ppm	—	—
Phenyl ether-diphenyl mixture (vapor)	—	1 ppm	3 ppm	—	—
Phenylethylene (Styrene)	100-42-5	50 ppm	100 ppm	—	—
Phenyl glycidyl ether (PGE)	122-60-1	1 ppm	3 ppm	—	—
Phenylhydrazine	100-63-0	5 ppm	10 ppm	—	X
Phenyl mercaptan	108-98-5	0.5 ppm	1.5 ppm	—	—
Phenylphosphine	638-21-1	—	—	0.05 ppm	—
Phorate	298-02-2	0.05 mg/m <sup>3</sup>	0.2 mg/m <sup>3</sup>	—	X
Phosdrin (Mevinphos)	7786-34-7	0.01 ppm	0.03 ppm	—	X
Phosgene (carbonyl chloride)	75-44-5	0.1 ppm	0.3 ppm	—	—
Phosphine	7803-51-2	0.3 ppm	1 ppm	—	—
Phosphoric acid	7664-38-2	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Phosphorus (yellow)	7723-14-0	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Phosphorous oxychloride	10025-87-3	0.1 ppm	0.3 ppm	—	—
Phosphorus pentachloride	10026-13-8	0.1 ppm	0.3 ppm	—	—
Phosphorus pentasulfide	1314-80-3	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Phosphorus trichloride	12-2-19	0.2 ppm	0.5 ppm	—	—
Phthalic anhydride	85-44-9	1 ppm	3 ppm	—	—
m-Phthalodinitrile	626-17-5	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Picloram	1918-02-1	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Picric acid (2, 4, 6- Trinitrophenol)	88-89-1	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Pindone (2-Pivalyl-1, 3-indandione, Pival)	83-26-1	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—

Airborne contaminant	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Piperazine dihydrochloride	142-64-3	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Pival (Pindone)	83-26-1	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Plaster of Paris	26499-65-0	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Platinum (as Pt)	7440-06-4	—	—	—	—
Metal	—	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Soluble salts	—	0.002 mg/m <sup>3</sup>	0.006 mg/m <sup>3</sup>	—	—
Polychlorobiphenyls (Chlorodiphenyls)	—	—	—	—	—
42% Chlorine (PCB)	53469-21-9	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	X
54% Chlorine (PCB)	11097-69-1	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	X
Portland cement	65997-15-1	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Potassium hydroxide	1310-58-3	—	—	2 mg/m <sup>3</sup>	—
Propane	74-98-6	1,000 ppm	1,250 ppm	—	—
Propargyl alcohol	107-19-7	1 ppm	3 ppm	—	X
beta-Propiolactone (see WAC 296-62-073)	57-57-8	—	—	—	—
Propionic acid	79-09-4	10 ppm	20 ppm	—	—
Propoxur (Baygon)	114-26-1	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	—
n-Propyl acetate	109-60-4	200 ppm	250 ppm	—	—
n-Propyl alcohol	71-23-8	200 ppm	250 ppm	—	X
n-Propyl nitrate	627-13-4	25 ppm	40 ppm	—	—
Propylene	—	Simple asphyxiant	—	—	—
Propylene dichloride (1, 2-Dichloropropane)	78-87-5	75 ppm	110 ppm	—	—
Propylene glycol dinitrate	6423-43-4	0.05 ppm	0.15 ppm	—	X
Propylene glycol monomethyl ether	107-98-2	100 ppm	150 ppm	—	—
Propylene imine	75-55-8	2 ppm	4 ppm	—	X
Propylene oxide (1,2- Epoxypropane)	75-56-9	20 ppm	30 ppm	—	—
Propyne (Methyl acetylene)	74-99-7	1,000 ppm	1,250 ppm	—	—
Pyrethrum	8003-34-7	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Pyridine	110-86-1	5 ppm	10 ppm	—	—
Pyrocatachol (Catechol)	120-80-9	5 ppm	10 ppm	—	X
Quinone (p-Benzoquinone)	106-51-4	0.1 ppm	0.3 ppm	—	—
RDX (Cyclonite)	—	1.5 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	X
Resorcinol	108-46-3	10 ppm	20 ppm	—	—
Rhodium (as Rh)	7440-16-6	—	—	—	—
Insoluble compounds, metal fumes and dusts	—	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Soluble compounds, salts	—	0.001 mg/m <sup>3</sup>	0.003 mg/m <sup>3</sup>	—	—
Ronnel	299-84-3	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Rosin core solder, pyrolysis products (as formaldehyde)	8050-09-7	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Rotenone	83-79-4	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Rouge	—	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—

Airborne contaminant	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Rubber solvent (naphtha)	8030-30-6	100 ppm	150 ppm	—	—
Selenium compounds (as Se)	7782-49-2	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	—
Selenium hexafluoride (as Se)	7783-79-1	0.05 ppm	0.15 ppm	—	—
Sesone (Crag herbicide)	136-78-7	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Sevin (Carbaryl)	63-25-2	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Silane (see Silicon tetrahydride)	7803-62-5	5 ppm	10 ppm	—	—
Silica, amorphous, precipitated and gel	112926-00-8	6 mg/m <sup>3</sup>	12 mg/m <sup>3</sup>	—	—
Silica, amorphous, diatomaceous earth, containing less than 1% crystalline silica	61790-53-2	—	—	—	—
Total particulate	—	6 mg/m <sup>3</sup>	12 mg/m <sup>3</sup>	—	—
Respirable fraction	—	3 mg/m <sup>3</sup>	6 mg/m <sup>3</sup>	—	—
Silica, crystalline cristobalite	—	—	—	—	—
Respirable fraction	14464-46-1	0.05 mg/m <sup>3</sup>	0.15 mg/m <sup>3</sup>	—	—
<u>Applies only where the exposure limit in chapter 296-840 WAC is not in effect.</u>					
Silica, crystalline quartz	—	—	—	—	—
Respirable fraction	14808-60-7	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
<u>Applies only where the exposure limit in chapter 296-840 WAC is not in effect.</u>					
Silica, crystalline tripoli (as quartz)	—	—	—	—	—
Respirable fraction	1317-95-9	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Silica, crystalline tridymite	—	—	—	—	—
Respirable fraction	15468-32-3	0.05 mg/m <sup>3</sup>	0.15 mg/m <sup>3</sup>	—	—
<u>Applies only where the exposure limit in chapter 296-840 WAC is not in effect.</u>					
Silica, fused	—	—	—	—	—
Respirable fraction	60676-86-0	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Silicates (less than 1% crystalline silica)	—	—	—	—	—
Mica	—	—	—	—	—
Respirable fraction	12001-26-2	3 mg/m <sup>3</sup>	6 mg/m <sup>3</sup>	—	—
Soapstone	—	—	—	—	—
Total particulate	—	6 mg/m <sup>3</sup>	12 mg/m <sup>3</sup>	—	—
Respirable fraction	—	3 mg/m <sup>3</sup>	6 mg/m <sup>3</sup>	—	—
Talc (containing asbestos) (as asbestos) (see WAC 296-62-07705 and chapter 296-65 WAC)	—	0.1 f/cc	1.0 f/cc (30 minutes)	—	—
Talc (containing no asbestos)	—	—	—	—	—
Respirable fraction	14807-96-6	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
Tremolite (asbestiform) (as asbestos) (see WAC 296-62-07705 and chapter 296-65 WAC)	—	0.1 f/cc	1.0 f/cc (30 minutes)	—	—
Silicon	7440-21-3	—	—	—	—

Airborne contaminant	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Silicon carbide	409-21-2	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Silicon tetrahydride (Silane)	7803-62-5	5 ppm	10 ppm	—	—
Silver, metal dust and soluble compounds (as Ag)	7440-22-4	0.01 mg/m <sup>3</sup>	0.03 mg/m <sup>3</sup>	—	—
Soapstone	—	—	—	—	—
Total particulate	—	6 mg/m <sup>3</sup>	12 mg/m <sup>3</sup>	—	—
Respirable fraction	—	3 mg/m <sup>3</sup>	6 mg/m <sup>3</sup>	—	—
Sodium azide (as HN <sub>3</sub> or NaN <sub>3</sub> )	26628-22-8	—	—	0.1 ppm	X
Sodium bisulfite	7631-90-5	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Sodium-2,4-dichloro-phenoxethyl sulfate (Crag herbicide)	136-78-7	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Sodium fluoroacetate	62-74-8	0.05 mg/m <sup>3</sup>	0.15 mg/m <sup>3</sup>	—	X
Sodium hydroxide	1310-73-2	—	—	2 mg/m <sup>3</sup>	—
Sodium metabisulfite	7681-57-4	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Starch	9005-25-8	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Stibine	7803-52-3	0.1 ppm	0.3 ppm	—	—
Stoddard solvent	8052-41-3	100 ppm	150 ppm	—	—
Strychnine	57-24-9	0.15 mg/m <sup>3</sup>	0.45 mg/m <sup>3</sup>	—	—
Styrene (Phenylethylene, Vinyl benzene)	100-42-5	50 ppm	100 ppm	—	—
Subtilisins	9014-01-1	—	0.00006 mg/m <sup>3</sup> (60 min.)	—	—
Sucrose	57-50-1	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Sulfotep (TEDP)	3689-24-5	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	X
Sulfur dioxide	7446-09-5	2 ppm	5 ppm	—	—
Sulfur hexafluoride	2551-62-4	1,000 ppm	1,250 ppm	—	—
Sulfuric acid	7664-93-9	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Sulfur monochloride	10025-67-9	—	—	1 ppm	—
Sulfur pentafluoride	5714-22-1	—	—	0.01 ppm	—
Sulfur tetrafluoride	7783-60-0	—	—	0.1 ppm	—
Sulfuryl fluoride	2699-79-8	5 ppm	10 ppm	—	—
Sulprofos	35400-43-2	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Systox (Demeton)	8065-48-3	0.01 ppm	0.03 ppm	—	X
2, 4, 5-T (2, 4, 5- trichlorophenoxyacetic acid)	93-76-5	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Talc (containing asbestos) (as asbestos) (see WAC 296-62-07705 and chapter 296-65 WAC)	—	0.1 f/cc	1.0 f/cc (30 minutes)	—	—

Airborne contaminant	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
Talc (containing no asbestos)	—	—	—	—	—
Respirable fraction	14807-96-6	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
Tantalum	—	—	—	—	—
Metal and oxide dusts	7440-25-7	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
TDI (Toluene-2, 4-diisocyanate)	584-84-9	0.005 ppm	0.02 ppm	—	—
TEDP (Sulfotep)	3689-24-5	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	X
Tellurium and compounds (as Te)	13494-80-9	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Tellurium hexafluoride (as Te)	7783-80-4	0.02 ppm	0.06 ppm	—	—
Temephos (Abate)	3383-96-8	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
TEPP	107-49-3	0.004 ppm	0.012 ppm	—	X
Terphenyls	26140-60-3	—	—	0.5 ppm	—
1, 1, 1, 2-Tetrachloro-2, 2-difluoroethane	76-11-0	500 ppm	625 ppm	—	—
1, 1, 2, 2-Tetrachloro-1, 2-difluoroethane	76-12-0	500 ppm	625 ppm	—	—
1, 1, 2, 2-Tetrachloroethane	79-34-5	1 ppm	3 ppm	—	X
Tetrachloroethylene (Perchloroethylene)	127-18-4	25 ppm	38 ppm	—	—
Tetrachloromethane (Carbon tetrachloride)	56-23-5	2 ppm	4 ppm	—	X
Tetrachloronaphthalene	1335-88-2	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	X
Tetraethyl lead (as Pb)	78-00-2	0.075 mg/m <sup>3</sup>	0.225 mg/m <sup>3</sup>	—	X
Tetrahydrofuran	109-99-9	200 ppm	250 ppm	—	—
Tetramethyl lead (as Pb)	75-74-1	0.075 mg/m <sup>3</sup>	0.225 mg/m <sup>3</sup>	—	X
Tetramethyl succinonitrile	3333-52-6	0.5 ppm	1.5 ppm	—	X
Tetranitromethane	509-14-8	1 ppm	3 ppm	—	—
Tetrasodium pyrophosphate	7722-88-5	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Tetryl (2, 4, 6-trinitrophenyl- methylnitramine)	479-45-8	1.5 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	X
Thallium (soluble compounds) (as Tl)	7440-28-0	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
4, 4-Thiobis (6-tert-butyl-m-cresol)	96-69-5	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Thiodan (Endosulfan)	115-29-7	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Thioglycolic acid	68-11-1	1 ppm	3 ppm	—	X
Thionyl chloride	7719-09-7	—	—	1 ppm	—
Thiram (see WAC 296-62-07519)	137-26-8	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Tin (as Sn)	—	—	—	—	—
Inorganic compounds	7440-31-5	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
Organic compounds	7440-31-5	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Tin oxide (as Sn)	21651-19-4	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>	—	—
Titanium dioxide	13463-67-7	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—



Airborne contaminant	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
TNT (2, 4, 6-Trinitrotoluene)	118-96-7	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	X
Toluene	108-88-3	100 ppm	150 ppm	—	—
Toluene-2, 4-diisocyanate (TDI)	584-84-9	0.005 ppm	0.02 ppm	—	—
m-Toluidine	108-44-1	2 ppm	4 ppm	—	X
o-Toluidine	95-53-4	2 ppm	4 ppm	—	X
p-Toluidine	106-49-0	2.0 ppm	4 ppm	—	X
Toxaphene (Chlorinated camphene)	8001-35-2	0.5 mg/m <sup>3</sup>	1 mg/m <sup>3</sup>	—	X
Tremolite (asbestiform) (as asbestos) (see WAC 296-62-07705 and chapter 296-65 WAC)	—	0.1 f/cc	1.0 f/cc (30 minutes)	—	—
Tributyl phosphate	126-73-8	0.2 ppm	0.6 ppm	—	—
Trichloroacetic acid	76-03-9	1 ppm	3 ppm	—	—
1, 2, 4-Trichlorobenzene	120-82-1	—	—	5 ppm	—
1, 1, 1-Trichloroethane (Methyl chloroform)	71-55-6	350 ppm	450 ppm	—	—
1, 1, 2-Trichloroethane	79-00-5	10 ppm	20 ppm	—	—
Trichloroethylene	79-01-6	50 ppm	200 ppm	—	—
Trichlorofluoromethane (Fluorotrichloromethane)	75-69-4	—	—	1,000 ppm	—
Trichloromethane (Chloroform)	67-66-3	2 ppm	4 ppm	—	—
Trichloronaphthalene	1321-65-9	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	X
1, 2, 3-Trichloropropane	96-18-4	10 ppm	20 ppm	—	X
1, 1, 2-Trichloro-1, 2, 2-trifluoroethane	76-13-1	1,000 ppm	1,250 ppm	—	—
Tricyclohexyltin hydroxide (Cyhexatin)	13121-70-5	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Triethylamine	121-44-8	10 ppm	15 ppm	—	—
Trifluorobromomethane	75-63-8	1,000 ppm	1,250 ppm	—	—
Trimellitic anhydride	552-30-7	0.005 ppm	0.015 ppm	—	—
Trimethylamine	75-50-3	10 ppm	15 ppm	—	—
Trimethyl benzene	25551-13-7	25 ppm	38 ppm	—	—
Trimethyl phosphite	121-45-9	2 ppm	4 ppm	—	—
2, 4, 6-Trinitrophenol (Picric acid)	88-89-1	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
2, 4, 6-Trinitrophenyl- methylnitramine (Tetryl)	479-45-8	1.5 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	X
2, 4, 6-Trinitrotoluene (TNT)	118-96-7	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>	—	X
Triorthocresyl phosphate	78-30-8	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	X
Triphenyl amine	603-34-9	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Triphenyl phosphate	115-86-6	3 mg/m <sup>3</sup>	6 mg/m <sup>3</sup>	—	—
Tungsten (as W)	7440-33-7	—	—	—	—
Soluble compounds	—	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Insoluble compounds	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Turpentine	8006-64-2	100 ppm	150 ppm	—	—
Uranium (as U)	7440-61-1	—	—	—	—
Soluble compounds	—	0.05 mg/m <sup>3</sup>	0.15 mg/m <sup>3</sup>	—	—
Insoluble compounds	—	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>	—	—

Airborne contaminant	CAS	TWA <sub>8</sub>	STEL	Ceiling	Skin
n-Valeraldehyde	110-62-3	50 ppm	75 ppm	—	—
Vanadium (as V <sub>2</sub> O <sub>5</sub> )	—	—	—	—	—
Respirable fraction	1314-62-1	0.05 mg/m <sup>3</sup>	0.15 mg/m <sup>3</sup>	—	—
Vegetable oil mist	—	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Vinyl acetate	108-05-1	10 ppm	20 ppm	—	—
Vinyl benzene (Styrene)	100-42-5	50 ppm	100 ppm	—	—
Vinyl bromide	593-60-2	5 ppm	10 ppm	—	—
Vinyl chloride (Chloroethylene) (see WAC 296-62-07329)	75-01-4	1 ppm	5 ppm	—	—
Vinyl cyanide (Acrylonitrile) (see WAC 296-62-07336)	107-13-1	2 ppm	10 ppm	—	—
Vinyl cyclohexene dioxide	106-87-6	10 ppm	20 ppm	—	X
Vinyl toluene	25013-15-4	50 ppm	75 ppm	—	—
Vinylidene chloride (1, 1-Dichloroethylene)	75-35-4	1 ppm	3 ppm	—	—
VM & P Naphtha	8032-32-4	300 ppm	400 ppm	—	—
Warfarin	81-81-2	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>	—	—
Welding fumes (total particulate)	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Wood dust	—	—	—	—	—
Nonallergenic; (All woods except allergenic)	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Allergenic (e.g. cedar, mahogany and teak)	—	2.5 mg/m <sup>3</sup>	5 mg/m <sup>3</sup>	—	—
Xylenes (ortho, meta, and para isomers) (Dimethylbenzene)	1330-20-7	100 ppm	150 ppm	—	—
m-Xylene alpha, alpha-diamine	1477-55-0	—	—	0.1 mg/m <sup>3</sup>	X
Xylidine (Dimethylaminobenzene)	1300-73-8	2 ppm	4 ppm	—	X
Yttrium	7440-65-5	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>	—	—
Zinc chloride fume	7646-85-7	1 mg/m <sup>3</sup>	2 mg/m <sup>3</sup>	—	—
Zinc chromate (as Cr) (see WAC 296-62-08003)	Varies with compound	0.005 mg/m <sup>3</sup>	—	0.1 mg/m <sup>3</sup>	—
Zinc oxide	1314-13-2	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Zinc oxide fume	1314-13-2	5 mg/g <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Zinc stearate	557-05-1	—	—	—	—
Total particulate	—	10 mg/m <sup>3</sup>	20 mg/m <sup>3</sup>	—	—
Respirable fraction	—	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—
Zirconium compounds (as Zr)	7440-67-2	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	—	—

ing rules to provide fishing opportunity to address conservation objectives and to simplify rules: WAC 220-300-160 Definitions—Personal-use fishing, 220-310-070 Statewide bait rules, 220-310-080 Game fish seasons—General rules, 220-310-090 Game fish possession limits and size limits, 220-312-010 Freshwater exceptions to statewide rules—General rules, 220-312-020 Freshwater exceptions to statewide rules—Coast, 220-312-030 Freshwater exceptions to statewide rules—Southwest, 220-312-040 Freshwater exceptions to statewide rules—Puget Sound, 220-312-050 Freshwater exceptions to statewide rules—Eastside, and 220-312-060 Freshwater exceptions to statewide rules—Columbia River.

Hearing Location(s): On December 9, 2017, at 8:00 a.m., at the Natural Resources Building, 1111 Washington Street S.E., Room 172, Olympia, WA 98501.

Date of Intended Adoption: January 20, 2018.

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 360-902-2155, by November 30, 2017.

Assistance for Persons with Disabilities: Contact Delores Noyes, phone 360-902-2349, TTY 360-902-2207, email Delores.Noyes@dfw.wa.gov, by November 30, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department makes adjustments to recreational fishing rules to maximize conservation and recreational fishing opportunity. This proposal includes changes to freshwater recreational fishing regulations, focusing on clarification and simplification. Changes will be applied to freshwater statewide with some exceptions.

Reasons Supporting Proposal: The changes in this proposal are needed to make necessary adjustments to recreational fishing rules based on department data, public feedback, and the desire of the department to reduce complexity of the sport rules as reflected in the annual pamphlet. The department also proposes amendments for conservation purposes and to provide greater fishing opportunity. Technical changes are needed to ensure accuracy, clarity, and uniformity in the code.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047.

Statute Being Implemented: RCW 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.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The public may also submit comments on the proposed rule changes online at [http://wdfw.wa.gov/fishing/regulations/rule\\_proposals/](http://wdfw.wa.gov/fishing/regulations/rule_proposals/).

Dates related to these proposed rules:

November 30, 2017: Deadline for the public to submit written comments on the rules.

December 9, 2017: The department will receive public testimony at the December commission meeting.

January 19-20, 2018: The department will ask the fish and wildlife commission to adopt the rule changes at the January commission meeting.

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting: Kelly Henderson, 1111 Washington Street, Olympia, WA 98501, 360-902-2684; Implementation: Craig Burley, 1111 Washington Street, Olympia, WA 98501, 360-902-2784; and Enforcement: Chief Steve Bear, 1111 Washington Street, Olympia, WA 98501, 360-902-2373.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rule changes do not affect hydraulics.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

October 31, 2017

Scott Bird

Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 17-16-109, filed 7/28/17, effective 8/28/17)

**WAC 220-300-160 Definitions—Personal-use fishing.** The following definitions apply to personal-use fishing rules in Title 220 WAC:

(1) "Anadromous game fish" means steelhead, sea-run cutthroat trout, and sea-run Dolly Varden and bull trout.

(2) "Anti-snagging rule" means:

(a) Except when fishing with a buoyant lure (with no weights added to the lure or line) or trolling from a vessel or floating device, terminal fishing gear is limited to a lure or bait with one single point hook.

(b) Only single point hooks measuring not more than 3/4 inch from point to shank may be used and all hooks must be attached to or below the lure or bait.

(c) Weights may not be attached below or less than 12 inches above the lure or bait.

(3) "Bait" means any substance which attracts fish by scent or flavors. Bait includes any lure which uses scent or flavoring to attract fish.

(4) "Barbless hook" means a hook on which all barbs have been deleted when manufactured or filed off or pinched down.

(5) "Bass" means largemouth and smallmouth bass.

(6) "Bow and arrow fishing" means any method of taking, or attempting to take, fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisher is above the surface of the water.

(7) "Buoy 10 line" means a true north-south line projected through Buoy 10 at the mouth of the Columbia River. "Buoy 10 fishery" means a fishery between a line in the

Columbia River from Tongue Point in Oregon to Rocky Point in Washington and the Buoy 10 line.

(8) "Buoyant lure" means a lure that floats on the surface of freshwater when no additional weight is applied to the line or lure, and when not being retrieved by a line.

(9) "Channel Marker 13 line" means a true north-south line through Grays Harbor Channel Marker 13.

(10) "Daily limit" means the maximum number or pounds of fish, shellfish, or seaweed of the required size of a given species or aggregate of species which a person may retain in a single day.

(11) "Fresh" means fish or shellfish that are refrigerated, iced, salted, or surface glazed.

(12) "Freshwater area" means:

(a) Within any freshwater river, lake, stream or pond.

(b) On the bank or within 10 yards of any freshwater river, lake, stream or pond.

(c) On or within any boat launch, ramp, or parking facility associated with any freshwater river, lake, stream or pond.

(13) "Frozen" means fish or shellfish that are hard frozen throughout.

(14) "Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

(15) "Hatchery" when used to describe the difference between a hatchery fish and a nonhatchery fish, except salmon, means a fish having a clipped adipose fin or a clipped ventral fin with a healed scar at the location of the clipped fin. A hatchery salmon is a salmon having a clipped adipose fin and a healed scar at the location of the clipped fin, regardless of whether the fish is missing a ventral fin.

(16) "Hook" means one single point, double or treble hook. A "single point hook" means a hook having only one point. A "double hook" means a hook having two points on a common shank. A "treble hook" means a hook having three points on a common shank.

(17) "Hook and line" or "angling" are identical in meaning and, except as provided in WAC 220-310-110, are defined as the use of not more than one line with three hooks attached to a pole held in hand while landing fish, or the use of a hand operated line without rod or reel, to which may be attached not more than three hooks. When fishing for bottom fish, "angling" and "jigging" are identical in meaning.

(18) "In the field or in transit" means at any place other than at the ordinary residence of the harvester. An ordinary residence is a residential dwelling where a person normally lives, with associated features such as address, telephone number, utility account, etc. A motor home or camper parked at a campsite or a vessel are not considered to be an ordinary residence.

(19) "Juvenile" means a person under fifteen year of age.

(20) "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which does not use scent or flavoring to attract fish. "Nonbuoyant lure" means a lure complete with hooks, swivels or other attachments, which does not float in freshwater.

(21) "Night closure" means closed to fishing from one hour after official sunset to one hour before official sunrise.

(22) "Opening day of lowland lake season" means the fourth Saturday in April.

(23) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

(24) "Processed" means fish or shellfish which have been processed by heat for human consumption as kippered, smoked, boiled, or canned.

(25) "Steelhead license year limit" means the maximum number of steelhead trout any one angler may retain from April 1st through the following March 31st.

(26) "Selective gear rules" means terminal fishing gear is limited to artificial flies with barbless single hooks or lures with barbless single hooks and bait is prohibited. Up to three hooks may be used. Only knotless nets may be used to land fish. In waters under selective gear rules, fish may be released until the daily limit is retained.

(27) "Slough" means any swamp, marsh, bog, pond, side-channel, or backwater connected to a river by water. Waters called sloughs that are not connected to a river are considered lakes.

(28) "Snagging" means an effort to take fish with a hook and line in a manner that the fish does not take the hook or hooks voluntarily in its mouth.

(29) "Spearing" or "spear fishing" means an effort to take fish or shellfish by impaling the fish or shellfish on a shaft, arrow or other device.

(30) "Stationary gear restriction" means the line and weight and lure or bait must be moving while in the water. The line and weight and lure or bait may not be stationary.

(31) "Steelhead" means sea-run rainbow trout over twenty inches in length.

(32) "Trolling" means a method of fishing from a vessel or floating device that is underway and under power.

(33) "Unmarked salmon" means a salmon with intact adipose and ventral fins.

(34) "Trout" means brown trout, bull trout, cutthroat trout, Dolly Varden, Eastern brook trout, golden trout, grayling, Kokanee (silver trout), lake trout, rainbow trout (except steelhead), tiger trout, and, in WAC 220-312-010 through 220-312-060, salmon from waters designated as "landlocked salmon rules apply."

(35) "Whitefish gear rules" means terminal fishing gear is restricted to one single hook, maximum hook size three-sixteenths inch point to shank (hook size 14), and bait is allowed. All species: Release all fish except whitefish.

(36) "Wild" when used to describe the difference between a hatchery fish and a nonhatchery fish, except salmon, means a fish with all fins intact.

(37) "Wild" when used to describe a salmon (Chinook, coho, chum, pink or sockeye), means a salmon with an unclipped adipose fin, regardless of whether the fish is ventral fin-clipped. A salmon with a clipped adipose fin and a healed scar at the site of the clipped fin is not a wild salmon.

(38) "Wild cutthroat release" means it is unlawful to retain any cutthroat trout that does not have a clipped adipose fin and a healed scar at the location of the clipped fin.

(39) "Wild steelhead release" means it is unlawful to retain any steelhead that does not have a clipped adipose or ventral fin and a healed scar at the location of the clipped fin.

(40) "Shoreline fishing" or "shore fishing" means fishing from shore or a structure affixed to the shore or by wading in the water.

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

**WAC 220-310-070 Statewide bait rules.** (1) It is unlawful to fish for sturgeon except with bait.

(2) It is unlawful to use lamprey as fishing bait, regardless of the source or species of lamprey.

(3) It is acceptable to use bait in saltwater.

(4) ~~((It is unlawful to chum, broadcast, feed, or distribute into freshwater any bait or other substance capable of attracting fish unless specifically authorized in exceptions to statewide rules.~~

~~((5) When fishing for trout with bait, all trout that are lawful to possess and are equal to or greater than the minimum size are counted as part of the daily limit, whether kept or released, and it is unlawful to continue to fish once the daily limit has been achieved, except that steelhead trout may be caught and released until the daily limit is taken.~~

~~((6))~~ (5) It is unlawful to possess or use live aquatic animals as bait in fresh water except:

(a) Live aquatic animals (other than fish) collected from the water being fished may be possessed or used as bait.

(b) Live sand shrimp may be possessed or used as bait.

(c) Live forage fish may be possessed or used as bait in the Columbia River downstream of 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.

~~((7))~~ (5) Use of bait in violation of this section is an infraction, punishable under RCW 77.15.160.

~~((8))~~ (6) It is unlawful to possess fish taken with bait in violation of the provisions of this section. Possession of fish while using bait in violation of the provisions of this section is a rebuttable presumption that the fish were taken with such bait. Violation of this subsection is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the fish are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

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

**WAC 220-310-080 Game fish seasons—General rules.** It is unlawful to fish for game fish except during the seasons and times below.

(1) Freshwater lakes, ponds and reservoirs: Open year-round except as provided for in WAC 220-312-010 through 220-312-060.

(2) Freshwater rivers, streams, and beaver ponds:

(a) Rivers, streams, and beaver ponds ~~((that drain into Puget Sound, the Strait of Juan de Fuca, Pacific Ocean (excluding the Columbia River), Grays Harbor, and Willapa Bay))~~ are ~~((closed))~~ open to fishing for game fish unless otherwise provided in department rule.

(b) All rivers, streams, and beaver ponds listed in WAC 220-312-010 through 220-312-060: Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through October 31 except as otherwise provided for in WAC 220-312-010 through 220-312-060.

(3) Saltwater (all waters downstream and seaward of the mouths of rivers and streams generally defined in WAC 220-

200-060 and specifically defined in WAC 220-300-220): Open year-round, except:

(a) Lake Washington Ship Canal - Those waters of Area 10 west of the Lake Washington Ship Canal to a north-south line 175 feet west of the Burlington-Northern Railroad Bridge are closed waters.

(b) Toliva Shoal - Waters within 500 yards of the Toliva Shoal buoy are closed waters from June 16 through April 30.

(c) Freshwater Bay - Waters south of a line from Angeles Point westerly to Observatory Point are closed July 1 through October 31.

(d) Tulalip Bay - Waters of Tulalip Bay east of a line from Hermosa Point to Mission Point are closed waters.

(e) Agate Pass - Waters of Catch Record Card Area 10 west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point are closed to game fish angling from January 1 through March 31; however, a person can fish with gear meeting the fly-fishing-only requirements of WAC 220-310-150 as long as he or she does not use lead-core fly line. It is unlawful to retain any fish taken during the period January 1 through March 31.

(f) Those waters of Hood Canal inshore from yellow marker buoys to the mouth of Finch Creek, and waters within the channel created when tidelands are exposed, are closed the entire year.

However, persons with disabilities who permanently use a wheelchair and who have a designated harvester card under WAC 220-220-240 may fish from the ADA-access site at the Hoodsport Salmon Hatchery, as long as such persons follow all department rules that apply to the adjoining waters of Marine Area 12.

(4) A violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested game fish. If the person has harvested game fish, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the game fish are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

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

**WAC 220-310-090 Game fish possession limits and size limits.** It is unlawful to retain or possess game fish taken in excess of the daily, possession, or license year possession limits, or game fish that do not conform to the size limits provided for in this section, unless otherwise provided for in WAC 220-312-010 through 220-312-060.

(1) Daily game fish possession and size limits:

Species	Daily limit	Size limits
Largemouth Bass	5	Release bass 12 to 17 inches in length. Not more than 1 large-mouth bass 17 inches in length or greater may be retained.

Species	Daily limit	Size limits	Species	Daily limit	Size limits
Smallmouth Bass	10	No minimum size. Not more than one smallmouth bass over 14 inches in length or greater may be retained.			
Burbot	5	No size restriction.	<u>Hatchery steelhead</u>	<u>2</u>	<u>20-inch minimum length.</u>
Channel catfish	5	No size restriction.	Walleye	8	12-inch minimum size. Not more than 1 walleye greater than 22 inches in length may be retained.
Eastern brook trout	<del>((Count as part of the 5 trout daily limit in lakes, ponds and reservoirs. Bonus limit in rivers, streams and beaver ponds. Up to 5 trout including Eastern brook trout may be retained, but not more than 2 of which may be trout other than Eastern brook trout.))</del> No daily limit <del>((for streams listed in WAC 220-312-020 and 220-312-040, unless otherwise provided in those rules.))</del>	No size restriction.	Whitefish	15	No size restriction.
Grass carp	Unlawful to retain unless otherwise provided in WAC 220-312-020 and 220-312-040.	Not applicable.	All other game fish	No limit.	No size restriction.
Tiger Musklunge	1	Minimum size 50 inches in length.			
Trout (except Eastern brook trout)	5 from lakes, ponds and reservoirs. 2 from rivers, streams, and beaver ponds.	No size restriction. <u>Wild trout 8-inch minimum ((size)) length. Hatchery trout no minimum length.</u>			

(2) Possession limit: The game fish possession limit in the field or in transit is two daily limits in fresh, frozen or processed form.

(3) Wild steelhead, Dolly Varden, and bull trout: Except as provided for in this section and WAC 220-312-010 through 220-312-060, it is unlawful to retain wild steelhead, Dolly Varden, or bull trout.

(4) Saltwater game fish retention: Game fish taken in saltwater may not be retained, except that up to two hatchery steelhead per day may be retained.

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

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

**WAC 220-312-010 Freshwater exceptions to state-wide rules—General rules.** The following provisions and definitions apply to this section through WAC 220-312-060.

(1) It is unlawful to fish for, take, or possess salmon from freshwater streams and lakes that are not specifically listed as open for salmon fishing.

(2) Waters listed as open during a specific date range that do not reference a particular species are open during the date range for game fish only.

(3) ~~((Rivers, streams, and beaver ponds are closed to fishing unless specifically listed as open.))~~

~~((4))~~ All limits are daily limits, unless otherwise provided.

~~((5))~~ (4) Within Puget Sound, beaver ponds located within or adjoining streams that are listed as open to trout and other game fish follow the same rules as the stream, except as otherwise provided.

~~((6))~~ (5) It is permissible to retain up to two hatchery steelhead in waters where the season is open for game fish or salmon in WAC 220-312-020 ~~((and 220-312-040))~~ through 220-312-060, unless explicitly listed as closed to hatchery steelhead in WAC 220-312-020 ~~((and 220-312-040))~~ through 220-312-060.

~~((7))~~ (6) A "float" or "bobber" means a hookless, floating device that is attached to or slides along the mainline or leader above the hook(s) for the purpose of suspending hook(s) (which are not part of the bait, lure, or fly) off the bottom of the stream or lake and visually signal (from the surface of the water) a fish's strike at the hook(s).

~~((8))~~ (7) "Lead jig" means a lure consisting of a hook permanently or temporarily attached directly to a lead weight by any method.

~~((9))~~ (8) "Lead weight" means material constructed of lead and applied to a fishing line or lure and designed to help keep the hook, bait, or lure underwater.

~~((10))~~ (9) "Unmarked salmon" means salmon without either a clipped ventral fin or a clipped adipose fin as evidenced by a healed scar.

~~((11))~~ (10) Kokanee/sockeye definition for Lake Washington and the Lake Washington Ship Canal in King County: Kokanee and sockeye less than fifteen inches in length are considered kokanee and kokanee and sockeye fifteen inches and over in length are considered sockeye salmon.

~~((12))~~ (11)(a) A violation of this section through WAC 220-312-060 is an infraction, punishable under RCW 77.15.160, unless the person has harvested fish. If the person has harvested fish, the violation is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the fish are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

(b) Freshwater terminal gear restrictions:

(i) Terminal gear restrictions apply to all species, including salmon, unless otherwise provided.

(ii) In all waters with freshwater terminal gear restrictions including, but not limited to, night closures, selective gear rules, whitefish gear rules, single-point barbless hooks required, fly-fishing only, and anti-snagging rules, violation of the gear rules is an infraction, punishable under RCW 77.15.160.

(iii) It is unlawful to possess fish taken with gear in violation of the freshwater terminal gear restrictions. Possession of fish while using gear in violation of the freshwater terminal gear restrictions is a rebuttable presumption that the fish were taken with such gear. Possession of such fish is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—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.

~~((13))~~ (12) For sturgeon fishing rules, see WAC 220-316-010 Sturgeon—Areas, seasons, limits and unlawful acts.

AMENDATORY SECTION (Amending WSR 17-19-008, filed 9/7/17, effective 10/8/17)

**WAC 220-312-020 Freshwater exceptions to statewide rules—Coast.** (1) **Aberdeen Lake (Grays Harbor County):** ~~((a))~~ Open the fourth Saturday in April through October 31.

~~((b))~~ Trout: No more than 2 trout over 15 inches in length may be retained.

~~(2) Alder Creek (Pacific County) (Naselle River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(3) Anderson Lake (Jefferson County): It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(4))~~ (2) **Bear Creek (Clallam County) (Bogachiel River tributary):**

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b)) It is unlawful to use anything other than one barbless hook.~~

~~((e))~~ (b) It is unlawful to use bait.

~~((d))~~ Trout:

~~(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(ii))~~ (c) Release wild ~~((unclipped) rainbow))~~ trout.

~~((5))~~ (3) **Bear Creek (Clallam County) (Sol Duc River tributary):**

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b)) It is unlawful to use anything other than one barbless hook.~~

~~((e))~~ (b) It is unlawful to use bait.

~~((d))~~ Trout:

~~(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(ii))~~ (c) Release wild ~~((unclipped) rainbow))~~ trout.

~~((6))~~ (4) **Bear River (Pacific County):**

~~(a) ((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b)) Open the ((first)) Saturday ((in June)) before Memorial Day through March 31.~~

~~((e))~~ (b) From August 16 through November 30: Night closure ~~((in effect)).~~

~~((i))~~ (c) From the mouth (Highway 101 Bridge) to Lime Quarry Road (approximately ~~((two))~~ 2 river miles):

~~((A))~~ (i) From August 16 through November 30:

~~((H))~~ (ii) Barbless hooks required.

~~((H))~~ (iii) Anti-snagging rule ~~((applies)).~~

~~((B)) Release all fish, except anglers may retain up to 2 hatchery steelhead.~~

~~((C))~~ (iv) Trout: Daily limit 2; minimum length 14 inches.

(v) Salmon:

~~((H))~~ (A) Open September 1 through January 31.

~~((H))~~ (B) Limit 6 fish; only 4 may be adults.

~~((H))~~ (C) Release wild Chinook.

~~((i))~~ (d) From the Lime Quarry Road upstream to the Longview Fiber Bridge:

~~((A))~~ (i) Selective gear rules ~~((apply)).~~

~~((B)) Release all fish, except anglers may retain up to 2 hatchery steelhead.~~

~~(7))~~ (ii) Trout: Daily limit 2; minimum length 14 inches.

(5) **Beaver Creek (Clallam County) (Sol Duc River tributary):**

(a) From the mouth upstream to Beaver Falls:

~~((i) Open the first Saturday in June through October 31.~~

~~(ii))~~ (b) It is unlawful to use anything other than one barbless hook.

~~((iii)) It is unlawful to use bait.~~

## (iv) Trout:

(A) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

~~(B)) (c) Release wild ((unclipped) rainbow) trout.~~

~~((b) From Beaver Falls upstream to Beaver Lake: Open the first Saturday in June through October 31.~~

~~(8)) (6) Beaver Lake (Clallam County): ((a)) Selective gear rules ((apply)).~~

~~((b) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(c) Trout: Maximum length 12 inches.~~

~~(9) Big Creek (Grays Harbor County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(10)) (7) Big River (Clallam County), outside of Olympic National Park:~~

~~(a) ((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b)) Open the ((first)) Saturday ((in June)) before Memorial Day through October 15, and January 1 through the last day of February.~~

~~((e)) (b) Selective gear rules ((apply)).~~

~~((d) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(e)) (c) Trout: ((f)) Daily limit 2; minimum length 14 inches((, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(ii) Release kokanee.~~

~~(11) Black Creek (Grays Harbor County) (Wynoochee River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(12) Black Lake (Pacific County): Open the fourth Saturday in April through October 31).~~

~~((13)) (8) Big River tributaries (Clallam County), outside of Olympic National Park: Open the Saturday before Memorial Day through October 15.~~

~~(9) Black River (Grays Harbor/Thurston counties):~~

~~(a) ((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b)) From the mouth to State Highway 12:~~

~~(i) ((Open the first Saturday in June through October 31.~~

~~(ii)) Selective gear rules ((apply)).~~

~~((iii)) (ii) Trout: Daily limit 2; minimum length 14 inches((, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).~~

~~((e)) (b) From Highway 12 to bridge on 128th Ave. S.W.:~~

~~(i) Anti-snagging rule ((applies)).~~

~~(ii) Night closure ((in effect)).~~

~~(iii) Barbless hooks ((are)) required.~~

~~(iv) ((Open for game fish the first Saturday in June through October 31; trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.)) Trout: Daily limit 2; minimum length 14 inches.~~

~~(v) Salmon: Open October 1 through December 31.~~

~~(A) Daily limit 6, of which 2 may be adults.~~

(B) Only one wild coho may be retained.

(C) Release Chinook and chum.

~~((d) From bridge on 128th Avenue S.W. (west of Littlebrook) to Black Lake:~~

~~(i) Open the first Saturday in June through October 31.~~

~~(ii) Selective gear rules apply.~~

~~(14)) (10) Bogachiel Hatchery Pond, South (Clallam County): Open the fourth Saturday in April through October 31.~~

~~(11) Bogachiel River (Clallam County):~~

~~(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(b) Release wild ((unclipped) rainbow) trout.~~

~~(c) It is unlawful to use anything other than one barbless hook.~~

~~(d) From the mouth to Highway 101 Bridge:~~

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through April 30.~~

~~(ii) It is unlawful to use bait the ((first)) Saturday ((in June)) before Memorial Day through August 31 and February 16 through April 30.~~

~~(iii) Trout:~~

~~(A) From the ((first)) Saturday ((in June)) before Memorial Day through March 31((; Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).~~

~~(B) ((From April 1 through April 30: Trout)) Daily limit 2; minimum length 14 inches.~~

~~(C) November 1 through last day in February: The limit may include one additional hatchery steelhead.~~

~~(iv) Salmon ((open July 1 through November 30)):~~

~~(A) From July 1 through August 31:~~

~~(I) Limit 6; no more than 2 adults may be retained.~~

~~(II) Release wild adult Chinook and wild adult coho.~~

~~(B) From September 1 through November 30: Limit 3; no more than one adult may be retained.~~

~~(e) From Highway 101 Bridge to Olympic National Park boundary:~~

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through April 30.~~

~~(ii) It is unlawful to use bait.~~

~~(iii) Trout: Daily limit 2; minimum length 14 inches((, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length, as part of the limit.~~

~~(15) Bone River (Pacific County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(16) Bunker Creek (Lewis County) (Chehalis River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(17) Butte Creek (Pacific County) (Smith River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply).~~

~~((18)) (12) Calawah River (Clallam County):~~

~~(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(b) Release wild ((unclipped) rainbow) trout.~~



(c) It is unlawful to use anything other than one barbless hook.

(d) From the mouth to the Highway 101 Bridge:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through April 30.

(ii) It is unlawful to use bait the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 31 and February 16 through April 30.

(iii) Trout: ~~((A))~~ From the first Saturday in June through March 31: Trout: Daily limit 2; minimum length 14 inches ~~(; except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(B))~~ From April 1 through April 30: Trout minimum length 14 inches ~~)).~~

~~((C))~~ (iv) From November 1 through the last day in February: The limit may include one additional hatchery steelhead.

~~((iv))~~ (v) Salmon open July 1 through November 30:

(A) From July 1 through August 31:

(I) Limit 6; only 2 adults may be retained.

(II) Release wild adult Chinook and wild adult coho.

(B) From September 1 through November 30: Limit 3; only one adult may be retained.

(e) From the Highway 101 Bridge to the forks:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through April 30.

(ii) It is unlawful to use bait.

(iii) Trout: Daily limit 2; minimum length 14 inches ~~(; except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length, as part of the limit.~~

~~(19) Calawah River, North Fork (Clallam County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) It is unlawful to use anything other than one barbless hook.~~

~~(c) It is unlawful to use bait.~~

~~(d) Release wild (unclipped) rainbow trout.~~

~~(e) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit).~~

~~((20)) (13) Calawah River, South Fork (Clallam County):~~

~~(a) ((It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(b) It is unlawful to use anything other than one barbless hook.~~

~~(c) It is unlawful to use bait.~~

~~(d) Release wild (unclipped) rainbow trout.~~

~~(e)) From the mouth to the Olympic National Park boundary:~~

~~((+)) (b) Open the ((first)) Saturday ((in June)) before Memorial Day through the last day in February.~~

~~((+)) (c) Trout: Daily limit 2; minimum length 14 inches(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit).~~

~~((21)) (14) Canyon River (Grays River County): Closed waters.~~

~~(15) Cases Pond (Pacific County): ((+)) Open ((the fourth Saturday in April through November 30)) to juvenile~~

~~anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.~~

~~((b) Landlocked salmon rules apply.~~

~~(22) Cedar Creek (Clallam County), outside of Olympic National Park:~~

~~(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b) Open the first Saturday in June through October 31.~~

~~(c) Selective gear rules apply.~~

~~(d) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(23) Cedar Creek (Grays Harbor/Thurston counties) (Chehalis River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(24)) (16) Cedar Creek (Jefferson County), outside Olympic National Park:~~

~~(a) Open the ((first)) Saturday ((in June)) before Memorial Day through the last day in February.~~

~~(b) ((Selective gear rules apply.~~

~~(e)) Trout: Daily limit 2; minimum length 14 inches ((except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(25) Cedar River (Pacific County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(c) Catch and release only).~~

~~((26)) (17) Chehalis River (Grays Harbor County), including all channels, sloughs, and interconnected waterways:~~

~~(a) ((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b)) From the mouth (Highway 101 Bridge in Aberdeen) to South Elma Bridge (Wakefield Road) including all channels, sloughs, and interconnected waterways:~~

~~(i) ((All species August 1 through November 30:~~

~~(A)) Single-point barbless hooks are required.~~

~~((B)) (ii) Anglers may fish with two poles from the mouth to the South Elma Bridge (Wakefield Road), provided they possess a valid two-pole endorsement.~~

~~((ii) Game fish:~~

~~(A)) (iii) Open the ((first)) Saturday ((in June)) before Memorial Day through April 15:~~

~~((B)) (iv) Trout: Daily limit 2; minimum length 14 inches(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit).~~

~~((iii)) (v) Salmon:~~

~~(A) From August 1 through September 15:~~

~~(I) Limit 6.~~

~~(II) Release adult salmon.~~

~~(B) From September 16 through December 31:~~

~~(I) Limit 6; only two adults may be retained.~~

~~(II) Only one wild adult coho may be retained.~~

~~(III) Release adult Chinook.~~

~~(C) From January 1 through January 31:~~

~~(I) Limit 6; only two adults may be retained.~~

~~(II) Release Chinook and wild coho.~~

~~((e))~~ (b) From South Elma Bridge (Wakefield Road) to the confluence with Black River:

(i) All species: Single-point barbless hooks are required August 1 through November 30.

~~(ii) ((Game fish:~~

~~(A))~~ Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through April 15.

~~((B))~~ (iii) Trout: Daily limit 2; minimum length 14 inches (~~(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)~~).

~~((iii))~~ (iv) Salmon:

(A) From September 16 through December 31:

(I) Limit 6; only two adults may be retained.

(II) Only one wild adult coho may be retained.

(III) Release Chinook.

(B) From January 1 through January 31:

(I) Limit 6; only two adults may be retained.

(II) Release Chinook and wild coho.

~~((d))~~ (c) From the confluence of Black River to the high bridge on Weyerhaeuser 1000 line approximately 400 yards downstream of Roger Creek (south of Pe Ell):

(i) All species August 16 through November 30: Single-point barbless hooks are required.

~~(ii) ((Game fish:~~

~~(A))~~ Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through April 15.

~~((B))~~ (iii) Trout: Daily limit 2; minimum length 14 inches (~~(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)~~).

~~((iii))~~ (iv) Salmon:

(A) From September 16 through December 31:

(I) Limit 6; only two adults may be retained.

(II) Only one wild coho may be retained.

(III) Release Chinook and chum.

(B) From January 1 through January 31:

(I) Limit 6; only two adults may be retained.

(II) Release Chinook, chum, and wild coho.

~~((e))~~ (d) From high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek, south of Pe Ell, including all forks) upstream:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through April 15.

(ii) Selective gear rules ~~((apply))~~.

(iii) ~~((Release all fish, except anglers may retain up to 2 hatchery steelhead))~~ All species: Catch and release fishing only.

~~((27))~~ (18) Chehalis River, South Fork (Lewis County): ~~((a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b))~~ From the mouth to County Highway Bridge near Boistfort School:

~~((i))~~ (a) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through April 15.

~~((ii))~~ (b) Trout: Daily limit 2; minimum length 14 inches (~~(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(c) From the County Highway Bridge near Boistfort School, upstream:~~

~~(i) Open the first Saturday in June through October 31.~~

~~(ii) Selective gear rules apply.~~

~~(28) Chenois Creek (Grays Harbor County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(29) Chester Creek (Grays Harbor County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~((30))~~ (19) Chumuck Creek (Jefferson County):

(a) From the mouth to Ness's Corner Road:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 31.

(ii) Selective gear rules ~~((apply))~~.

(iii) All species: Catch and release fishing only.

(b) From Ness's Corner Road ~~((to headwaters))~~ upstream:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through October 31.

(ii) Selective gear rules ~~((apply))~~.

(iii) All species: Catch and release fishing only.

~~((31))~~ (20) Clallam River (Clallam County):

~~(a) ((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b) Open the first Saturday in June through January 31.~~

~~(e))~~ Open the Saturday before Memorial Day through October 31:

~~(i) Selective gear rules ((apply from the first Saturday in June through October 31)).~~

~~((d) From the first Saturday in June through October 31:))~~ (ii) All species: Catch and release fishing only.

~~((e))~~ (b) Open from November 1 through January 31: Trout: Daily limit 2; minimum length 14 inches.

~~((32))~~ (21) Clearwater River (Jefferson County):

~~(a) ((It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(b) It is unlawful to use anything other than one barbless hook.~~

~~(e))~~ Barbless hooks required.

~~(b) Release wild ((unclipped rainbow)) trout.~~

~~((d))~~ (c) From the mouth to Snahapish River:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through September 30 and December 1 through April 15:

(ii) ~~((It is unlawful to use bait the first Saturday in June))~~ Bait is allowed September 1 through ~~((August 31 and February 16 through April))~~ February 15.

(iii) Trout: Daily limit 2; minimum length 14 inches (~~(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)~~).

(iv) Salmon: Open September 1 through September 30:

(A) Limit 3; only one adult may be retained;

(B) Release wild coho.

~~((e) From Snahapish River upstream:~~

~~(i) Open the first Saturday in June through September 30.~~

~~(ii) It is unlawful to use bait.~~

~~(iii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length, as part of the limit.~~

~~((33))~~ (22) Cloquallum Creek (Grays Harbor County): ~~((a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b))~~ From the mouth to the outlet at Stump Lake:

~~((i))~~ (a) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through the last day in February.

~~((ii))~~ (b) Trout: Daily limit 2; minimum length 14 inches~~((, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length, as part of the limit.~~

~~(c) From the outlet at Stump Lake upstream:~~

~~(i) Open the first Saturday in June through October 31.~~

~~(ii) Selective gear rules apply.~~

~~(34) Coal Creek (Clallam County) tributary to Ozette River, outside the Olympic National Park boundary:~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(c) Trout:~~

~~(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length, as part of the limit.~~

~~(ii) Release kokanee.~~

~~(35) Connor Creek (Grays Harbor County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(36) Cook Creek (Grays Harbor County), from the Quinault Indian Reservation boundary upstream:~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit).~~

~~((37))~~ (23) Copalis River (Grays Harbor County):

~~(a) From the mouth to Carlisle Bridge:~~

~~(i) From the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through last day in February~~((: Open for game fish)).~~~~

~~(ii) It is permissible to retain hatchery steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.~~

~~(iii) Trout: Daily limit 2; minimum length 14 inches~~((, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).~~~~

~~(iv) Salmon: ~~((A))~~ From October 1 through December 31.~~

~~((B))~~ (A) Limit 6; only two adult salmon may be retained.

~~((H))~~ (B) Only one wild adult coho may be retained.

~~((H))~~ (C) Release Chinook.

~~(b) From Carlisle Bridge upstream:~~

~~(i) Open the Saturday before Memorial Day through the last day in February.~~

~~(ii) Trout: Daily limit 2; minimum length 14 inches~~((, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).~~~~

~~((38))~~ (24) Crim Creek (Lewis County) (Chehalis River tributary): ~~((a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(39) Crocker Lake (Jefferson County):~~ Closed.

~~(40) Crooked Creek (Clallam County) and tributaries that are outside of Olympic National Park:~~

~~(a) Open the first Saturday in June through October 15.~~

~~(b) Selective gear rules apply.~~

~~(c) Trout:~~

~~(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(ii) Release kokanee.~~

~~(41) Damon Lake (Grays Harbor County):~~ Open the first Saturday in June through October 31) Closed waters.

~~((42))~~ (25) Deep Creek (Clallam County) (tributary to the straits):

~~(a) Open December 1 through January 31.~~

~~(b) Selective gear rules ~~((apply)).~~~~

~~(c) ~~((Release all fish, except mandatory hatchery steelhead retention. No catch and release of hatchery steelhead))~~~~

All species: Catch and release fishing only.

~~((43) Deep Creek (Grays Harbor County) (Humptulips River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(44) Delezenc Creek (Grays Harbor County) (Chehalis River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(45))~~ (26) Dickey River (Clallam County):

~~(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(b) Release wild ~~((unclipped))~~ rainbow trout.~~

~~(c) It is unlawful to use anything other than one barbless hook.~~

~~(d) From Olympic National Park boundary upstream to the confluence of the East and West forks:~~

~~(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through April 30.~~

~~(ii) It is unlawful to use bait the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 31 and February 16 through April 30.~~

~~(iii) Trout: Daily limit 2; minimum length 14 inches~~((, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).~~~~

~~(iv) Salmon: Open July 1 through November 30:~~

~~(A) July 1 through August 31:~~

~~(I) Limit 6; only 2 adults may be retained.~~

~~(II) Release wild adult Chinook and wild adult coho.~~

~~(B) September 1 through November 30: Limit 3; only one adult may be retained.~~

~~(e) From the confluence of the East and West forks upstream (for both forks):~~

~~(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through April 30.~~

~~(ii) It is unlawful to use bait.~~

~~(iii) Trout: Daily limit 2; minimum length 14 inches~~((, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~~~

~~(46) Donkey Creek (Grays Harbor County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply).~~

~~((47)) (27) Duck Lake (Grays Harbor County): ((a) Crappie: No limit and no minimum length.~~

~~(b)) Grass carp: No limit for anglers and bow and arrow fishing.~~

~~((48)) (28) Dungeness River (Clallam County): ((a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b)) From the mouth to the forks at Dungeness Forks Campground:~~

~~((i)) (a) Open October 6 through January 31.~~

~~((ii)) (b) Trout: Daily limit 2; minimum length 14 inches.~~

~~((iii)) (c) Salmon:~~

~~((A)) (i) Open October 16 through November 30 from the mouth to the hatchery intake pipe at river mile 11.3.~~

~~((B)) (ii) Limit 4 coho only.~~

~~((C)) (iii) Release wild coho.~~

~~((e) From Gold Creek upstream: Open the Saturday before Memorial Day through October 31.~~

~~(49)) (29) East Twin River (Clallam County):~~

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((e)) (b) All species: Catch and release fishing only.~~

~~((50) **Eight Creek (Lewis County) (tributary to Elk Creek, which is a Chehalis River tributary):**~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(51) **Elk Creek (Clallam County), outside of Olympic National Park:**~~

~~(a) Open the first Saturday in June through October 15.~~

~~(b) Selective gear rules apply.~~

~~(c) Trout:~~

~~(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(ii) Release kokanee.~~

~~(52)) (30) Elk Creek (Lewis County) (Chehalis River tributary): ((a)) Open the ((first)) Saturday ((in June)) before Memorial Day through ((October)) September 30 and January 1 through March 31.~~

~~((b) Selective gear rules apply.~~

~~(53)) (31) Elk Lake (Clallam County):~~

~~(a) ((Open the first Saturday in June through October 15.~~

~~(b)) Selective gear rules ((apply)).~~

~~((c) Trout:~~

~~(i)) (b) Trout: Daily limit 2; minimum length 14 inches(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).~~

~~((ii)) (c) Release kokanee.~~

~~((54)) (32) Elk River (Grays Harbor County):~~

~~(a) ((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b)) From the mouth (Highway 105 Bridge) to the confluence of the middle branch:~~

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through the last day in February.~~

~~(ii) From August 16 through November 30: Single-point barbless hooks are required.~~

~~(ii) Trout: Daily limit 2; minimum length 14 inches(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).~~

~~(iv) Salmon: Open October 1 through November 30.~~

~~(A) Daily limit 6, of which 2 may be adults.~~

~~(B) Only one wild adult coho may be retained.~~

~~(C) Release adult Chinook.~~

~~((e)) (b) From confluence of the middle branch upstream:~~

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through the last day in February.~~

~~(ii) Trout: Daily limit 2; minimum length 14 inches(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(55) **Elkhorn Creek (Pacific County) (Smith Creek tributary):**~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(56) **Ellis Creek (Pacific County) (Willapa River tributary):**~~

~~(a) Open the first Saturday in June through October 15.~~

~~(b) Selective gear rules apply.~~

~~(57) **Ellsworth Creek (Pacific County) (Naselle River tributary):**~~

~~(a) Open the first Saturday in June through September 30.~~

~~(b) Selective gear rules apply).~~

~~((58)) (33) Failor Lake (Grays Harbor County): ((a)) Open the fourth Saturday in April through ((October 31)) September 15.~~

~~((b) Trout: It is unlawful to retain more than two trout over 15 inches in length per day.~~

~~(59) **Fairechild Creek (Pacific County) (Wilson Creek tributary, which is a Willapa River tributary):**~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(60) **Fall River (Pacific County) (North River tributary):**~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(61) **Falls Creek (Pacific County) (Willapa River tributary):**~~

~~(a) Open the first Saturday in June through October 15.~~

~~(b) Selective gear rules apply.~~

~~(62) **Fern Creek (Pacific County) (Willapa River tributary):**~~

~~(a) Open the first Saturday in June through October 15.~~

~~(b) Selective gear rules apply.~~

~~(63) **Finn Creek (Pacific County) (North Nemanah River tributary):** Open the first Saturday in June through October 31.~~

~~(64)) (34) Fork Creek (Pacific County) (Willapa River tributary):~~

~~(a) From Forks Creek Hatchery rack upstream 500 feet at fishing boundary sign:~~

~~(i) Open only for anglers with lower extremity disabilities who must permanently use a medically prescribed assistive device every time for mobility as defined in WAC 220-413-150 and possess a designated harvester companion card.~~

~~(ii) Night closure ((in effect)).~~

(iii) From October 1 through November 30:

(A) Single-point barbless hooks ((are)) required.

(B) Stationary gear restriction ((applies)).

(iv) Open the ((first)) Saturday ((in June)) before Memorial Day through July 15 and October 1 through March 31: ((Release all fish, except anglers may retain up to 2 hatchery steelhead)) Trout: Daily limit 2; minimum length 14 inches.

(v) Salmon open ((October 1 through January 31-));

(A) From October 1 through November 30:

(I) Limit 6; only 3 adults may be retained, and only 2 may be wild coho.

(II) Release wild Chinook.

(B) From December 1 through January 31:

(I) Limit 6; only 2 adults may be retained, and only one may be a wild coho.

(II) Release wild Chinook.

(b) From the fishing boundary sign 500 feet above Forks Creek Hatchery rack upstream to the source:

(i) ((Open the first Saturday in June through October 31-

iii)) Selective gear rules ((apply)).

~~((65)) Garrard Creek (Grays Harbor County) (Chehalis River tributary):~~

(a) Open the first Saturday in June through October 31-

(b) Selective gear rules apply.

~~((66)) Gibbs Lake (Jefferson County):~~

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Catch and release only.

~~((67)) (ii) Trout: Daily limit 2; minimum length 14 inches.~~

**(35) Goodman Creek (Jefferson County), outside Olympic National Park:**

(a) ((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b)) Open the ((first)) Saturday ((in June)) before Memorial Day through the last day in February.

((e) Selective gear rules apply.

(d)) (b) Trout: Daily limit 2; minimum length 14 inches((, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

~~((68)) Grass Creek (Grays Harbor County):~~

(a) Open the first Saturday in June through October 31-

(b) Selective gear rules apply).

~~((69)) (36) Gray Wolf River (Clallam County):~~ From the bridge at river mile 1.0, upstream:

(a) ((Open the first Saturday in June through October 31-

b)) Selective gear rules ((apply)).

((e)) (b) All species: Catch and release fishing only.

~~((70)) Halfmoon Creek (Pacific County) (Willapa River tributary):~~

(a) Open the first Saturday in June through October 15-

(b) Selective gear rules apply.

~~((71)) Halfway Creek (Lewis County) (tributary of Stillman Creek, which is a Chehalis River tributary):~~

(a) Open the first Saturday in June through October 31 from the mouth to the second bridge crossing on Pe Ell McDonald Road.

(b) Selective gear rules apply.

~~((72)) Hanaford Creek (Lewis County) (Skookumchuck River tributary):~~

(a) Open the first Saturday in June through October 31-

(b) Selective gear rules apply.

~~((73)) Harris Creek (Grays Harbor County) (Chehalis River tributary):~~

(a) Open the first Saturday in June through October 31-

(b) Trout: Selective gear rules apply.

~~((74)) (37) Hoh River (Jefferson County):~~

(a) ((It is unlawful to fish from a floating device equipped with an internal combustion motor.

b)) Release wild ((unclipped) rainbow)) trout.

((e)) (b) It is unlawful to use anything other than one barbless hook.

((d)) (c) From the Olympic National Park boundary upstream to the DNR Oxbow Campground Boat Launch:

(i) Bait allowed September 1 through February 15.

(ii) Open ((July 1 through August 31 and September 16)) the Saturday before Memorial Day through April 15:

(A) ((From July 1 through August 31 and September 16 through March 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(B) From April 1 through April 15:)) Trout: Daily limit 2; minimum length 14 inches.

((c)) (B) From November 1 through February 15: The trout limit may include one additional hatchery steelhead.

((ii) It is unlawful to use bait the first Saturday in June through September 30 and February 16 through April 15:))

(iii) Salmon: Open September 16 through November 30: Limit 6; only 2 adults may be retained of which only one may be a Chinook.

((e)) (d) From the DNR Oxbow Campground Boat Launch to Morgans Crossing Boat Launch:

(i) Open ((July 1 through August 31 and September 16)) the Saturday before Memorial Day through April 15.

(ii) ((It is unlawful to use bait.)) Bait allowed October 16 through November 30.

(iii) Trout: Daily limit 2; minimum length 14 inches((, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).

(iv) Salmon open October 16 through November 30: Limit 6; only 2 adults may be retained, of which only one may be a Chinook.

((f)) (e) From Morgan's Crossing Boat Launch upstream to the Olympic National Park boundary below mouth of South Fork Hoh River:

(i) Open ((July 1 through August 31 and September 16)) the Saturday before Memorial Day through April 15.

(ii) ((It is unlawful to use bait.

iii)) It is unlawful to fish from a floating device.

((iv)) (iii) Trout: Daily limit 2; minimum length 14 inches((, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).

~~((75)) (38) Hoh River, South Fork (Jefferson County), outside the Olympic National Park boundary:~~

(a) ((It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~(b)) Open (July 1 through August 31 and September 16) the Saturday before Memorial Day through April 15.~~

~~((e) It is unlawful to use anything other than one barbless hook.~~

~~(d) It is unlawful to use bait.~~

~~(e) Release wild (unclipped) rainbow trout.~~

~~(f)) (b) Trout: Daily limit 2; minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit).~~

~~((76)) (39) Hoko River (Clallam County):~~

~~(a) (Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b)) From the mouth to the upper Hoko Bridge:~~

~~(i) ((Closed to fishing)) From the hatchery ladder downstream 100 feet: Closed waters.~~

~~(ii) Open the first Saturday in June through March 15.~~

~~(iii) From September 1 through October 31: Open to fly fishing only ((September 1 through October 31, except mandatory retention of hatchery steelhead)).~~

~~((iii)) (iv) Trout: Daily limit 2; minimum length (fourteen) 14 inches.~~

~~((e)) (b) From the upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5):~~

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through March 31 to fly fishing only((, except mandatory retention of hatchery steelhead)).~~

~~(ii) ((Release all fish except anglers may retain up to two hatchery steelhead, except mandatory retention of hatchery steelhead.~~

~~(77)) All species except hatchery steelhead: Catch and release fishing only.~~

~~(ii) Steelhead: Daily limit 2 hatchery steelhead; minimum length 20 inches.~~

**(40) Hoquiam River, including West Fork (Grays Harbor County):**

~~(a) (Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b)) From the mouth (Highway 101 Bridge on Simpson) to Dekay Road Bridge (West Fork):~~

~~(i) August 16 through November 30: Single-point barbless hooks ((are)) required.~~

~~(ii) Open the ((first)) Saturday ((in June)) before Memorial Day through the last day of February: Trout: Daily limit 2; minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit).~~

~~(iii) Salmon: Open October 1 through December 31.~~

~~(A) Daily limit 6, of which 2 may be adults.~~

~~(B) Only one wild coho may be retained.~~

~~(C) Release Chinook.~~

~~((e)) (b) From Dekay Road Bridge upstream:~~

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through the last day of February.~~

~~(ii) Selective gear rules ((apply)).~~

~~(iii) Trout: Daily limit 2; minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit).~~

~~((78)) (41) Hoquiam River, East Fork (Grays Harbor County):~~

~~(a) (Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b)) From the mouth to the confluence of Berryman Creek:~~

~~(i) August 16 through November 30: Single-point barbless hooks are required.~~

~~(ii) Open the ((first)) Saturday ((in June)) before Memorial Day through the last day of February: Trout: Daily limit 2; minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit).~~

~~(iii) Salmon: Open October 1 through December 31.~~

~~(A) Daily limit 6, of which 2 may be adults.~~

~~(B) Only one wild coho may be retained.~~

~~(C) Release Chinook.~~

~~((e)) (b) From the confluence of Berryman Creek upstream ((to Youman's Road Bridge)):~~

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through the last day of February.~~

~~(ii) Trout: Daily limit 2; minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(79) Hoquiam River, Middle Fork (Grays Harbor County): From the mouth upstream:~~

~~(a) Open the first Saturday in June through last day of October.~~

~~(b) Selective gear rules apply.~~

~~(80) Horseshoe Lake (Jefferson 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.~~

~~(81) Howe Creek (Jefferson County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(c) Catch and release only).~~

~~((82)) (iii) Selective gear rules.~~

~~(42) Humptulips River (Grays Harbor County):~~

~~(a) (Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b)) From the mouth (Jessie Slough) to the Highway 101 Bridge, including all channels, sloughs, and interconnected waterways:~~

~~(i) From August 16 through November 30:~~

~~(A) Night closure ((in effect)).~~

~~(B) Single-point barbless hooks are required.~~

~~(ii) Open the ((first)) Saturday ((in June)) before Memorial Day through March 31: Trout: Daily limit 2; minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit).~~

~~(iii) Salmon ((open September 1 through January 31)):~~

~~(A) From September 1 through October 15:~~

~~(I) Limit 6; only 2 adults may be retained.~~

~~(II) Release wild Chinook and wild coho.~~

~~(B) From October 16 through October 31:~~

~~(I) Limit 6; only 2 adults may be retained, and only one may be a Chinook.~~

(II) Release wild Chinook and wild coho.  
 (C) From November 1 through January 31:  
 (I) Limit 6; Only two adults may be retained.  
 (II) Release Chinook and wild coho.  
 ((e)) (b) From the Highway 101 Bridge to the confluence of the East and West forks:  
 (i) From December 1 through March 31: It is unlawful to fish from a floating device equipped with an internal combustion motor.  
 (ii) From August 16 through November 30:  
 (A) Night closure ((in effect)).  
 (B) Single-point barbless hooks are required.  
 (iii) Open the ((first)) Saturday ((in June)) before Memorial Day through March 31: ((A) From the first Saturday in June through the last day in February: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.  
 (B) From March 1 through March 31:  
 (I) Release all fish, except anglers may retain up to 2 hatchery steelhead.  
 (H) Selective gear rules apply.) Trout: Daily limit 2; minimum length 14 inches.  
 (iv) Salmon ((open September 1 through January 31)):  
 (A) From September 1 through October 15:  
 (I) Limit 6; only 2 adults may be retained.  
 (II) Release wild Chinook and wild coho.  
 (B) From October 16 through October 31:  
 (I) Limit 6; only 2 adults may be retained, and only one may be a Chinook.  
 (II) Release wild Chinook and wild coho.  
 (C) From November 1 through January 31:  
 (I) Limit 6; only two adults may be retained.  
 (II) Release Chinook and wild coho.  
 ((83)) (43) Humptulips River, East Fork (Grays Harbor County): ((a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.  
 (b) From the mouth to the concrete bridge on Forest Service Road 220:  
 (i)) From August 16 through October 31:  
 (a) Anti-snagging rule ((applies and)).  
 (b) Night closure ((in effect).  
 (ii) Open the first Saturday in June through October 31: Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.  
 (c) From the concrete bridge on Forest Service Road 220 upstream:  
 (i) Open the first Saturday in June through October 31.  
 (ii) Selective gear rules apply)).  
 ((84)) (44) Humptulips River, West Fork (Grays Harbor County): ((a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.  
 (b)) From the mouth to Donkey Creek:  
 ((i)) (a) From August 16 through November 30:  
 (i) Anti-snagging rule ((applies and)).  
 (ii) Night closure ((in effect).  
 ((iii)) (b) Open the ((first)) Saturday ((in June)) before Memorial Day through March 31: ((A) From the first Saturday in June through the last day in February:)) Trout: Daily limit 2; minimum length 14 inches((, except it is permissible

to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.  
 (B) From March 1 through March 31:  
 (I) Selective gear rules apply.  
 (II) It is unlawful to fish from a floating device equipped with an internal combustion motor.  
 (III) Release all fish, except anglers may retain up to 2 hatchery steelhead.  
 (e) From Donkey Creek upstream:  
 (i) Open the first Saturday in June through October 31.  
 (ii) Selective gear rules apply.  
 (85) ~~Independence Creek (Grays Harbor County) (Chehalis River tributary):~~  
 (a) Open the first Saturday in June through October 31.  
 (b) Selective gear rules apply.  
 (86) ~~Jimmy Come Lately Creek (Clallam County):~~  
 (a) From the mouth to confluence with East Fork:  
 (i) Open the first Saturday in June through August 31.  
 (ii) Selective gear rules apply.  
 (iii) Catch and release only.  
 (b) From confluence with East Fork upstream, including East Fork: Open the first Saturday in June through October 31).  
 ((87)) (45) Joe Creek (Grays Harbor County):  
 ((a)) From the mouth to Ocean Beach Road Bridge:  
 ((i)) (a) August 16 through November 30: Single-point barbless hooks are required.  
 ((ii)) (b) Open the ((first)) Saturday ((in June)) before Memorial Day through ((November 30:)) December 31.  
 (c) Trout: Daily limit 2; minimum length 14 inches((, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).  
 ((iii)) (d) Salmon: Open October 1 through December 31:  
 ((A)) (i) Limit 6; only two adults may be retained.  
 ((B)) (ii) Only one wild adult Coho may be retained.  
 ((C)) (iii) Release Chinook.  
 ((b) From Ocean Beach Road Bridge upstream:  
 (i) Open the first Saturday in June through October 31.  
 (ii) Selective gear rules apply.  
 (iii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.  
 (88)) (46) Johns River (Grays Harbor County): ((a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.  
 (b)) From the mouth (Highway 105 Bridge) to Ballon Creek:  
 ((i)) (a) August 16 through November 30: Single-point barbless hooks are required.  
 ((ii)) (b) Open the ((first)) Saturday ((in June)) before Memorial Day through the last day in February:  
 (i) Trout: Daily limit 2; minimum length 14 inches((, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).  
 ((iii)) (ii) Salmon: Open October 1 through November 30.  
 (A) Daily limit 6, of which 2 may be adults.  
 (B) Only one wild adult coho may be retained.  
 (C) Release adult Chinook.

((e)) From Ballon Creek upstream, including North and South Forks:

(i) Open the first Saturday in June through September 30 and December 1 through the last day in February.

(ii) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

~~(89) Jones Creek (Lewis County) (Chehalis River tributary):~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~(90)) (47) Kalaloch Creek (Jefferson County), outside Olympic National Park: ((a) Closed within the section posted as the Olympic National Park water supply.~~

~~(b) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(e)) Open the ((first)) Saturday ((in June)) before Memorial Day through the last day in February:~~

~~((i) Selective gear rules apply.~~

~~((ii)) Trout: Daily limit 2; minimum length 14 inches (except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(91) Leland Creek (Jefferson County):~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only).

~~((92)) (48) Lena Lake, Lower (Jefferson County):~~

The inlet stream ~~((is closed))~~ from the mouth upstream to the footbridge (about 100 feet): Closed waters.

~~((93) Lincoln Creek, including South Fork (Lewis County) (Chehalis River tributary):~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~(94)) (49) Lincoln Pond (Clallam County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.~~

~~((95)) (50) Little Hoko River (Clallam County):~~

(a) ~~((Open the first Saturday in June through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((e)) (b) All species: Catch and release fishing only.~~

~~((96) Little Hoquiam River (Grays Harbor County):~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~(97) Little North River (Grays Harbor County) (North River tributary):~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~(98) Little Quileene River (Jefferson County):~~

(a) From the mouth to the Little Quileene River Bridge on Penny Creek Road:

(i) Open the first Saturday in June through October 31.

(ii) From the mouth to Highway 101 Bridge: Open first Saturday in June through August 31.

(iii) Selective gear rules apply.

(iv) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(v) Catch and release only.

(b) From Little Quileene River Bridge on Penny Creek Road upstream: Open the first Saturday before Memorial Day through October 31.

~~(99) Long Beach Peninsula waterways and lakes (Pacific County): Open the fourth Saturday in April through October 31.~~

~~(100)) (51) Loomis Lake (Pacific County): Open the fourth Saturday in April through October 31.~~

~~((101) Loomis Pond (Grays Harbor County): Closed.~~

~~(102) Lower Salmon Creek (Grays Harbor/Pacific counties) (North River tributary):~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~(103) Lucas Creek (Lewis County) (tributary to the Newaukum River North Fork):~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

~~(104) Ludlow Creek (Jefferson County):~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

~~(105) Ludlow Lake (Jefferson County): Open the fourth Saturday in April through October 31.~~

~~(106)) (52) Lyre River (Clallam County):~~

(a) ~~((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b)) From the mouth to falls near river mile 3:~~

(i) Open the ((first)) Saturday ((in June)) before Memorial Day through January 31.

(ii) Trout: Daily limit 2; minimum length 14 inches.

~~((e)) (b) From the falls to the Olympic National Park boundary:~~

(i) ~~((Open the first Saturday in June through October 31.~~

~~(ii)) Selective gear rules ((apply)).~~

~~((iii)) (ii) All species: Catch and release fishing only (except mandatory hatchery steelhead retention applies.~~

~~(107) Matheny Creek (Jefferson County) (Queets River tributary), outside Olympic National Park:~~

(a) Open the first Saturday in June through September 30.

(b) It is unlawful to use bait.

(c) Release wild (unmarked) rainbow trout.

(d) It is unlawful to use anything other than one barbless hook.

(e) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit).

~~((108)) (53) McDonald Creek (Clallam County):~~

(a) ~~((Open the first Saturday in June through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((e)) (b) All species: Catch and release fishing only.~~

~~((109)) (54) Middle Nemah River (Pacific County):~~

(a) ~~((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b)) From the mouth upstream to the department of natural resources bridge on the Middle Nemah A-Line Road:~~

(i) Open the ((first)) Saturday ((in June)) before Memorial Day through March 31 ~~((Release all fish except anglers may retain up to 2 hatchery steelhead)).~~

(ii) Trout: Daily limit 2; minimum length 14 inches.

(iii) From August 1 through November 30:

(A) Night closure ((in effect)).



- (B) Single-point barbless hooks are required.
- ~~((iii))~~ (iv) Salmon:
- (A) Open September 1 through January 31.
- (B) Limit 6; no more than 4 adults may be retained.
- (C) Release wild Chinook.
- ~~((e))~~ (b) From the department of natural resources bridge on the Middle Nemah A-Line Road upstream:
- (i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through March 31:
- (A) Selective gear rules ~~((apply))~~.
- (B) ~~((Release all fish, except mandatory retention of hatchery steelhead.))~~ Trout: Daily limit 2; minimum length 14 inches.
- (ii) From August 16 through November 30:
- (A) Anti-snagging rule ~~((applies))~~.
- (B) Night closure ~~((in effect))~~.
- ~~((110))~~ **Mill Creek (Pacific County) (Willapa River tributary):**
- ~~(a) Open the first Saturday in June through October 31.~~
- ~~(b) Selective gear rules apply.~~
- ~~((111))~~ **Mill Creek Pond (Grays Harbor County):** Open to juvenile anglers only.
- ~~((112))~~ **Mitchell Creek (Lewis County) (tributary to the Newaukum River North Fork):**
- ~~(a) Open the first Saturday in June through October 31.~~
- ~~(b) Selective gear rules apply.~~
- ~~(c) Trout: Catch and release only.~~
- ~~((113))~~ **(55) Moclips River (Grays Harbor County):**
- ~~(a) ((Open))~~ From the mouth to the Quinalt Indian Reservation boundary ((from the first)).
- ~~(b) Open the Saturday ((in June)) before Memorial Day through the last day in February.~~
- ~~((b))~~ (c) Trout:
- ~~(i) Daily limit 2; minimum length 14 inches((, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).~~
- ~~(ii) It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.~~
- ~~((e))~~ (d) Salmon: Open October 1 through December 31.
- (i) Daily limit 6, of which 2 may be adults.
- (ii) Only one wild adult coho may be retained.
- (iii) Release Chinook.
- ~~((114))~~ **(56) Morse Creek (Clallam County):** ~~((a))~~ Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
- ~~(b))~~ From the mouth to Port Angeles Dam:
- ~~((i))~~ (a) Open from December 1 through January 31.
- ~~((ii))~~ (b) Trout: Daily limit 2; minimum length 14 inches.
- ~~((e))~~ From Port Angeles Dam upstream: Open the first Saturday in June through October 31.
- ~~((115))~~ **(57) Mosquito Creek (Jefferson County):** ~~((a))~~ Open) From outside Olympic National Park upstream to the Goodman 3000 Mainline Bridge ((from the first)):
- (a) Open the Saturday ((in June)) before Memorial Day through the last day in February.
- ~~(b) ((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~
- ~~(e) Selective gear rules apply.~~
- ~~((d))~~ Trout: Daily limit 2; minimum length 14 inches((, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length, as part of the limit.
- ~~((116))~~ ~~**Mox Chehalis Creek (Grays Harbor County) (Chehalis River tributary):**~~ Open the first Saturday in June through October 31: Selective gear rules apply)).
- ~~((117))~~ **(58) Naselle River (Pacific/Wahkiakum counties):**
- ~~(a) ((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~
- ~~(b) Selective gear rules apply February 1 through April 15.~~
- ~~((e))~~ From the Highway 101 Bridge to the Highway ((4)) 401 Bridge:
- (i) From August 1 through November 15:
- (A) Night closure ~~((in effect))~~.
- (B) Anti-snagging rule ~~((applies))~~.
- (C) Barbless hooks are required.
- ~~((D))~~ From the South Fork upstream to the Highway 4 Bridge: Stationary gear restriction applies.))
- (ii) ~~((From Highway 101 Bridge upstream to Highway 401.))~~ Anglers may fish with two poles August 1 through January 31, provided they possess a valid two-pole endorsement.
- (iii) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through April 15 ~~((: Release all fish except anglers may retain up to 2 hatchery steelhead)).~~
- (iv) Trout: Daily limit 2; minimum length 14 inches.
- (v) Salmon ((open August 1 through January 31)):
- (A) ~~((From))~~ Open August 1 through October 31:
- (I) Limit 6; only 4 adults may be retained.
- (II) Release wild Chinook.
- (B) ~~((From))~~ Open November 1 through January 31:
- (I) Limit 6; only 4 adults may be retained and only two adults may be wild coho.
- (II) Release wild Chinook.
- ~~((d))~~ (b) From the Highway ((4)) 401 Bridge to the upstream entrance of the Naselle Hatchery Attraction Channel:
- (i) ~~((Closed waters))~~ From the upstream entrance of the hatchery attraction channel downstream 300 feet: Closed waters.
- (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (iii) From February 1 through April 15: Selective gear rules.
- (iv) From August 16 through October 15: Bait or lure must be suspended below a float.
- ~~((iv))~~ (v) From August 16 through November 15:
- (A) Night closure ~~((in effect))~~.
- (B) Anti-snagging rule ~~((applies))~~.
- (C) Barbless hooks are required.
- (D) Stationary gear rules ~~((in effect))~~.
- ~~((v))~~ (vi) Open the ((first)) Saturday ((in June)) before Memorial Day through July 31 and September 16 through April 15: ((Release all fish, except mandatory retention of hatchery steelhead)) All Species: Catch and release fishing only.

~~((vi))~~ (vii) Salmon (~~(open August 16 through January 31)~~):

(A) ~~(From)~~ Open August 16 through September 15:

(I) Limit 6; only 2 adults may be retained.

(II) Release wild Chinook.

(B) ~~(From)~~ Open September 16 through October 31:

(I) Limit 6; only 4 adults may be retained.

(II) Release wild Chinook.

(C) ~~(From)~~ Open November 1 through January 31:

(I) Limit 6; only 4 adults may be retained and only two may be wild coho.

(II) Release wild Chinook.

~~((e))~~ (c) From the upstream entrance of the Naselle Hatchery Attraction Channel to the Crown Mainline (Salme) Bridge:

(i) ~~(The following areas are closed:~~

~~(A))~~ From the falls in Sec. 6, T10N, R8W (Wahkiakum Co.) downstream 400 feet: Closed waters.

~~((B))~~ (ii) Downstream of the full spanning concrete diversion structure at the Naselle Hatchery: Closed waters August 1 through October 15.

~~((H))~~ (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((H))~~ (iv) From August 1 through November 15:

(A) Night closure (~~(in effect)~~).

(B) Anti-snagging rule (~~(applies)~~).

(C) Barbless hooks are required.

(D) Stationary gear rules (~~(in effect)~~).

~~((iv))~~ (v) Open the ~~(first)~~ Saturday ~~(in June)~~ before Memorial Day through April 15 (~~(Release all fish, except mandatory retention of hatchery steelhead)~~).

~~((v))~~ (vi) Trout: Daily limit 2; minimum length 14 inches.

~~(vii) Salmon~~ (~~(open October 16 through January 31)~~):

(A) ~~(From)~~ Open October 16 through October 31:

(I) Limit 6; only 4 adults may be retained.

(II) Release wild Chinook.

(B) ~~(From)~~ Open November 1 through January 31:

(I) Limit 6; only 4 adults may be retained and only two may be wild coho.

(II) Release wild Chinook.

~~((F))~~ (d) From the Crown Mainline (Salme) Bridge to the mouth of the North Fork:

(i) From February 1 through April 15; selective gear rules.

(ii) Open the ~~(first)~~ Saturday ~~(in June)~~ before Memorial Day through April 15: (~~(Release all fish except anglers may retain up to 2 hatchery steelhead)~~) Trout: Daily limit 2; minimum length 14 inches.

~~((H))~~ (iii) From August 16 through November 30:

(A) Night closure (~~(in effect)~~).

(B) Anti-snagging rule (~~(applies)~~).

~~((G))~~ (e) Upstream from the mouth of the North Fork:

~~((i))~~ Open the first Saturday in June through October 31.

~~((H))~~ (ii) Selective gear rules (~~(apply)~~).

~~((iii))~~ Release all fish, except mandatory retention of hatchery steelhead.

~~(118) North Naselle River (Pacific County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(119))~~ (59) South Naselle River (Pacific County):

~~(a) From the mouth to Bean Creek: Open the~~ ~~(first)~~ Saturday ~~(in June)~~ before Memorial Day through the last day in February.

~~(b) From the~~ ~~(first)~~ Saturday ~~(in June)~~ before Memorial Day through August 15: Selective gear rules (~~(apply)~~).

~~(c) From~~ August 16 through November 30: Anti-snagging rule (~~(applies)~~) and night closure (~~(in effect)~~).

~~((d) Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(120) Neil Creek (Grays Harbor County) (Wynoochee River tributary):~~

~~(a) Open from the mouth to USFS 22 Road from the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(121))~~ (60) Newaukum River, including South Fork (Lewis County):

~~(a) (Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b))~~ From the mouth to Leonard Road near Onalaska:

(i) Open the ~~(first)~~ Saturday ~~(in June)~~ before Memorial Day through March 31: Trout: Daily limit 2; minimum length 14 inches (~~(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)~~).

(ii) From August 16 through November 30:

(A) Night closure (~~(in effect)~~).

(B) Single-point barbless hooks are required.

(iii) Salmon: Open October 16 through December 31:

(A) Limit 6; only two adults may be retained.

(B) Only one wild coho may be retained.

(C) Release Chinook and chum.

~~((e))~~ (b) From Leonard Road near Onalaska to Highway 508 Bridge near Kearny Creek:

(i) Open the ~~(first)~~ Saturday ~~(in June)~~ before Memorial Day through March 31: Trout: Daily limit 2; minimum length 14 inches (~~(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)~~).

(ii) From August 16 through November 30:

(A) Night closure (~~(in effect)~~).

(B) Single-point barbless hooks are required.

~~((d) From Highway 508 Bridge upstream:~~

~~(i) Open the first Saturday in June through October 31.~~

~~(ii) Selective gear rules apply.~~

~~(iii) Trout: Catch and release only.~~

~~(iv) August 16 through October 31: Night closure in effect.~~

~~(122))~~ (61) Newaukum River, Middle Fork (Lewis County), from the mouth to Tauscher Road Bridge:

~~(a) (Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b))~~ Open the ~~(first)~~ Saturday ~~(in June to)~~ before Memorial Day through March 31.

~~((e))~~ (b) Trout: Daily limit 2; minimum length 14 inches (~~(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length)~~).

~~((123))~~ (62) Newaukum River, North Fork (Lewis County), from the mouth to 400 feet below the Chehalis city water intake:

~~(a) ((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b)) Open the ((first)) Saturday ((in June)) before Memorial Day through March 31.~~

~~((c)) (b) Trout: Daily limit 2; minimum length 14 inches((, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length.~~

~~(124) Newman Creek (Grays Harbor County) (Chehalis River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(125) Newkirk Creek (Grays Harbor County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply).~~

~~((126)) (63) Niawiakum River (Pacific County):~~

From Highway 101 Bridge to the South Bend/Palix Road Bridge:

~~(a) ((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b)) From August 16 through November 30:~~

~~(i) Night closure ((in effect)).~~

~~(ii) Single-point barbless hooks are required.~~

~~((c)) (b) Open the ((first)) Saturday ((in June)) before Memorial Day through November 30.~~

~~((d)) (c) Salmon:~~

~~(i) Open September 1 through November 30.~~

~~((ii)) (ii) Limit 6; only 2 adults may be retained.~~

~~((iii)) (iii) Release wild Chinook.~~

~~((127)) (64) North Nemah River (Pacific County):~~

~~(a) ((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b)) From Highway 101 Bridge upstream to the bridge on Nemah Valley Road:~~

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through March 31.~~

~~(ii) ((Release all fish, except mandatory retention of hatchery steelhead and may retain one 15 inch or longer cutthroat trout.) Trout: Daily limit 2; minimum length 14 inches.~~

~~(iii) From August 1 through November 30:~~

~~(A) Night closure ((in effect)).~~

~~(B) Stationary gear restriction ((applies)).~~

~~(C) Single-point barbless hooks are required.~~

~~(iv) Salmon: Open August 1 through January 31.~~

~~(A) Limit 6; only 4 adults may be retained.~~

~~(B) Release wild Chinook.~~

~~((c)) (b) From the bridge on Nemah Valley Road upstream to approximately 1.66 miles to the Hancock property line:~~

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through July 31 and November 16 through March 31.~~

~~(ii) ((Release all fish, except mandatory retention of hatchery steelhead and may retain one 15 inch or longer cutthroat trout.) Trout: Daily limit 2; minimum length 14 inches.~~

~~(iii) From August 16 through November 30:~~

~~(A) Anti-snagging rule ((applies)).~~

~~(B) Night closure ((in effect)).~~

~~(iv) ((Selective gear rules apply)) From December 1 through March 31: Selective gear rules.~~

~~((d)) (c) From the Hancock property line upstream approximately 900 feet to Nemah Hatchery barrier dam:~~

~~(i) Closed from bridge at Nemah Hatchery upstream to Nemah Hatchery barrier dam, except open only for salmon for anglers that possess a senior's license ((70 years old or older)) from August 16 through November 15.~~

~~(ii) Open the ((first)) Saturday ((in June)) before Memorial Day through July 31 and November 16 through March 31.~~

~~(iii) ((Release all fish, except mandatory retention of hatchery steelhead and may retain one 15 inch or longer cutthroat trout.) Trout: Daily limit 2; minimum length 14 inches.~~

~~(iv) From August 16 through November 30:~~

~~(A) Anti-snagging rule ((applies)).~~

~~(B) Night closure ((in effect)).~~

~~(v) ((Selective gear rules apply)) From December 1 through March 31: Selective gear rules.~~

~~(vi) Salmon open ((only for anglers that possess a senior's license (70 years old or older)) to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card from August 16 through November 15.~~

~~(A) Limit 6; only 4 adults may be retained.~~

~~(B) Release wild Chinook.~~

~~((e)) (d) From the Nemah Hatchery barrier dam upstream to ((N-700 Road)) Cruiser Creek:~~

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through March 31.~~

~~(ii) ((Release all game fish, except mandatory retention of hatchery steelhead and may retain one 15 inch or longer cutthroat trout.) Trout: Daily limit 2; minimum length 14 inches.~~

~~(iii) From August 16 through November 30:~~

~~(A) Night closure ((in effect)).~~

~~(B) Anti-snagging rule ((applies)).~~

~~(iv) ((Selective gear rules apply)) From December 1 through March 31: Selective gear rules.~~

~~(v) Salmon: Open October 1 through January 31:~~

~~(A) Limit 6; only 4 adults may be retained.~~

~~(B) Release wild Chinook.~~

~~((f) From the N-700 Road upstream to Cruiser Creek:~~

~~(i) Open the first Saturday in June through March 31.~~

~~(ii) Release all fish, except mandatory retention of hatchery steelhead and may retain one 15 inch or longer cutthroat trout.~~

~~(iii) From August 16 through November 30:~~

~~(A) Night closure in effect.~~

~~(B) Anti-snagging rule applies.~~

~~(iv) Selective gear rules apply from December 1 through March 31.~~

~~(128)) (65) North River (Grays Harbor/Pacific counties):~~

~~(a) ((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b)) From the Highway 105 Bridge to Fall River:~~

~~(i) From August 16 through November 30:~~

~~(A) Night closure ((in effect)).~~

(B) Single-point barbless hooks are required.

(C) Anti-snagging rule.

~~(ii) Open the ((first)) Saturday ((in June)) before Memorial Day through the last day in February ((Release all fish, except mandatory retention of hatchery steelhead)).~~

~~(iii) Trout: Daily limit 2; minimum length 14 inches.~~

~~(iv) Salmon: Open October 1 through January 31 ((:)).~~

~~(A) Limit 6; only 4 adults may be retained.~~

~~(B) Release wild Chinook.~~

~~((e) From Salmon Creek (located approximately 2 miles upstream from Highway 101) to Fall River:~~

~~(i) August 16 through November 30.~~

~~(ii) Anti-snagging rule applies.~~

~~((d)) (b) From Fall River to Raimie Creek:~~

~~(i) ((Open the first Saturday in June through October 31.~~

~~(ii)) Selective gear rules ((apply)).~~

~~((iii) Release all fish, except mandatory retention of hatchery steelhead.~~

~~(129) Owens Pond (Pacific County): The first Saturday in June through October 31 season.~~

~~(130)) (ii) Trout: Daily limit 2; minimum length 14 inches.~~

~~(66) Ozette Lake tributaries and their tributaries except Big River (Clallam County): Outside of Olympic National Park. Open the Saturday before Memorial Day through October 15.~~

~~(67) Palix River, including all forks (Pacific County):~~

~~(a) ((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~((b)) From the Highway 101 Bridge to the mouth of the Middle Fork:~~

~~(i) From August 16 through November 30:~~

~~(A) Night closure ((in effect)).~~

~~(B) Single-point barbless hooks are required.~~

~~(ii) Open the ((first)) Saturday ((in June)) before Memorial Day through March 31: ((Release all fish, except mandatory retention of hatchery steelhead)) Trout: Daily limit 2; minimum length 14 inches.~~

~~(iii) Salmon:~~

~~(A) Open September 1 through January 31.~~

~~(B) Limit 6; only 4 adults may be retained.~~

~~(C) Release wild Chinook.~~

~~((e)) (b) From the confluence with the Middle Fork upstream and all forks, including South Fork Palix and Canon rivers:~~

~~(i) From August 16 through October 15:~~

~~(A) Anti-snagging rule ((applies)).~~

~~(B) Night closure ((in effect)).~~

~~(ii) From the ((first)) Saturday ((in June)) before Memorial Day through August 15, and from December 16 through March 31: Selective gear rules ((apply)).~~

~~(iii) Open the ((first)) Saturday ((in June)) before Memorial Day through October 15, and from December 16 through March 31.~~

~~(iv) ((Release all fish, except mandatory retention of hatchery steelhead.~~

~~(131) Palmquist Creek (Clallam County), outside of Olympic National Park:~~

~~(a) Open the first Saturday in June through October 15.~~

~~(b) Selective gear rules apply.~~

~~(e) Trout:~~

~~(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(ii) Release kokanee.~~

~~(132)) Trout: Daily limit 2; minimum length 14 inches.~~

~~(68) Peabody Creek (Clallam County): Open ((the first Saturday in June through October 31)) to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.~~

~~((133) Penny Creek (Jefferson County): Open the first Saturday in June through October 31.~~

~~(134) Petroleum Creek (Clallam County): From the Olympic National Park boundary upstream:~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(e) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(135) Pheasant Lake (Jefferson County): Open the fourth Saturday in April through October 31.~~

~~(136) Pilehuck Creek (Clallam County) (Soocs River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(e) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(137) Pioneer Creek (Grays Harbor County) (North River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(138)) (69) Pleasant Lake (Clallam County): Trout: Kokanee minimum length ((6)) 8 inches, maximum length 18 inches.~~

~~((139) Porter Creek (Grays Harbor County) (Chehalis River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(140) Promised Land Pond (Grays Harbor County): Open the first Saturday in June through October 31.~~

~~(141)) (70) Pysht River (Clallam County):~~

~~(a) ((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~((b)) Open the ((first)) Saturday ((in June)) before Memorial Day through January 31.~~

~~((e)) (b) Selective gear rules ((apply)).~~

~~((d)) (c) From the ((first)) Saturday ((in June)) before Memorial Day through October 31: All species: Catch and release fishing only.~~

~~((e)) (d) From November 1 through January 31: Trout: Daily limit 2; minimum length 14 inches.~~

~~((142)) (71) Quigg Lake (Grays Harbor County):~~

~~(a) ((Open the first Saturday in June through April 15.~~

~~((b)) Trout: Daily limit 2; minimum length 14 inches.~~

~~((e)) (b) Salmon:~~

~~(i) Open October 1 through January 31.~~

~~(ii) Limit 6 hatchery coho salmon; only 4 may be adult hatchery coho.~~

~~((143))~~ **(72) Quillayute River (Clallam County), outside of Olympic National Park:**

(a) ~~((Open July 1 through June 30.~~  
~~(b))~~ It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((c))~~ (b) Release wild ~~((unclipped) rainbow))~~ trout.

~~((d))~~ (c) It is unlawful to use anything other than one barbless hook.

~~((e))~~ (d) Trout:

(i) ~~((From May 1 through the Friday before the first Saturday in June: Release all trout except anglers may retain up to 2 hatchery steelhead.~~

~~(ii))~~ From the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through ~~((March))~~ May 31: Trout: Daily limit 2; minimum length 14 inches~~((, except it is permissible to retain hatchery (adipose-clipped) trout less than 14 inches in length as part of the limit.~~

~~(iii)~~ From April 1 through April 30: Trout minimum length 14 inches).

~~((iv))~~ (ii) From November 1 through the last day in February: Anglers may retain one additional hatchery steelhead as part of the limit.

(c) Other game fish: Open year-round.

(f) Salmon: ~~((Open February 1 through November 30:))~~

(i) From February 1 through August 31:

(A) Limit 6; only 2 adults may be retained.

(B) Release wild adult Chinook and wild adult coho.

(ii) From September 1 through November 30: Limit 6; only 3 adults may be retained, and only one of the adults may be wild.

~~((144))~~ **(73) Quinault River (Grays Harbor County):** From the mouth at the upper end of Quinault Lake upstream to the Olympic National Park boundary:

(a) ~~((It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(b))~~ Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through April 15.

~~((c)~~ Release wild (unclipped) rainbow trout.

~~(d)~~ It is unlawful to use anything other than one barbless hook.

~~(e)~~ It is unlawful to use bait the first Saturday in June through September 30 and February 16 through April 15.

~~(f))~~ (b) Bait allowed July 1 through February 15.

(c) Trout: Daily limit 2; minimum length 14 inches~~((, except it is permissible to retain hatchery (adipose-clipped) trout less than 14 inches in length as part of the limit)); It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.~~

~~((g))~~ (d) Salmon ~~((open July 1 through November 30))~~:

(i) ~~((From))~~ Open July 1 through September 30 limit 6 jack salmon only.

(ii) ~~((From))~~ Open October 1 through November 30:

(A) Limit 6; only 2 adults may be retained.

(B) Release sockeye and chum.

~~((145))~~ **Quinn Creek (Clallam County), outside of Olympic National Park:**

(a) Open the first Saturday in June through October 15.

(b) Selective gear rules apply.

(c) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose-clipped) trout less than 14 inches in length as part of the limit.

(ii) Release kokanee.

~~(146) Radar Ponds (Pacific County):~~ Salmon: Land-locked salmon rules apply.

~~(147) Raimic Creek and all forks (Pacific County) (North River tributary):~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~(148) Ripley Creek (Jefferson County):~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

~~(149) Roek Creek (Grays Harbor County) (Chehalis River tributary):~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~(150) Roek Creek (Lewis County) (Chehalis River tributary):~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~(151))~~ **(74) Rocky Brook (Jefferson County)**

**(Dosewallips River tributary):** From the ~~((falls 1000 feet upstream of the mouth: Open the Saturday before Memorial Day through October 31.~~

~~(152) Rue Creek, including West Fork (Pacific County) (South Fork Willapa tributary):~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~(153) Salmon Creek (Grays Harbor County) (North River tributary):~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~(c)~~ It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~(154))~~ mouth upstream: Closed waters.

**(75) Salmon Creek (Pacific County) (tributary of Naselle River):**

(a) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through the last day in February.

(b) Selective gear rules ~~((apply))~~.

~~((c)~~ Release all fish except anglers may retain up to 2 hatchery steelhead.

~~(155))~~ **(76) Salmon River (Jefferson County), outside Olympic National Park and the Quinault Indian Reservation:** ~~((a) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(b)~~ It is unlawful to use anything other than one barbless hook.

~~(c)~~ Release wild (unclipped) rainbow trout.

~~(d))~~ Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through ~~((September 30 and December 1 through))~~ the last day in February:

~~((i)~~ It is unlawful to use bait the first Saturday in June through August 31.

~~(ii))~~ (a) Bait allowed September 1 through the last day in February.

(b) Trout: Daily limit 2; minimum length 14 inches(~~;~~ except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).

~~((iii))~~ (c) It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

~~((iv))~~ (d) From November 1 through the last day in February: Anglers may retain an additional hatchery steelhead.

(e) Salmon: Open September 1 through September 30:

~~((A))~~ (i) Limit 6; only 2 may be adults and only one of the adults may be a Chinook.

~~((B))~~ (ii) Release wild coho.

~~((156))~~ (77) **Salt Creek (Clallam County):** From the mouth to the bridge on Highway 112:

(a) ~~((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b))~~ Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through January 31.

~~((e))~~ (b) Selective gear rules ~~((apply))~~.

~~((d) First)~~ (c) From the Saturday ~~((in June))~~ before Memorial Day through October 31: All species: Catch and release fishing only(~~;~~ except mandatory retention of hatchery steelhead).

~~((e))~~ (d) November 1 through January 31: ~~((Anglers may retain up to 2 hatchery steelhead.~~

(157) **Sand Creek (Grays Harbor County) (Chehalis River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(158) **Sandyshore Lake (Jefferson County):** Open the fourth Saturday in April through October 31.

(159) **Satsop Lakes (Grays Harbor County):** Open the fourth Saturday in April through October 31.

(160)) Steelhead: Daily limit 2 hatchery steelhead; minimum length 20 inches.

(78) **Satsop River and East Fork (Grays Harbor County):**

(a) From the mouth to the bridge at Schafer State Park:

(i) From August 16 through November 30:

(A) Night closure ~~((in effect))~~.

(B) Single-point barbless hooks are required.

(ii) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through March 31: Trout: Daily limit 2; minimum length 14 inches(~~;~~ except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).

(iii) Salmon ~~((open October 1 through January 31))~~:

(A) ~~((From))~~ Open October 1 through December 31:

(I) Limit 6; only two adults may be retained.

(II) Only one wild coho may be retained.

(III) Release Chinook.

(B) ~~((From))~~ Open January 1 through January 31.

(I) Limit 6; only two adults may be retained.

(II) Release Chinook and wild coho.

(b) From the bridge at Schafer State Park upstream to 400 feet below Bingham Creek Hatchery barrier dam:

(i) ~~((Open the first Saturday in June through October 31:))~~ Trout: Daily limit 2; minimum length 14 inches(~~;~~

except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).

(ii) ~~((Open))~~ From August 16 through October 31:

(A) Night closure ~~((in effect))~~.

(B) Single-point barbless hooks are required.

(c) From 400 feet downstream of the Bingham Creek Hatchery barrier dam upstream to the dam:

(i) Open within posted markers to anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card.

(ii) Night closure ~~((in effect))~~.

(iii) From August 16 through October 31: Single-point barbless hooks are required.

(iv) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through March 31: Trout: Daily limit 2; minimum length 14 inches(~~;~~ except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).

(v) Salmon ~~((open October 1 through January 31))~~:

(A) ~~((From))~~ Open October 1 through December 31:

(I) Limit 6; only two adults may be retained.

(II) Only one wild coho may be retained.

(III) Release Chinook.

(B) ~~((From))~~ Open January 1 through January 31.

(I) Limit 6; only two adults may be retained.

(II) Release Chinook and wild coho.

~~((d) From the Bingham Creek Hatchery dam upstream:~~

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

~~((iii) August 16 through October 31: Night closure in effect.~~

(161)) (79) **Satsop River, Middle Fork (Turnow Branch):**

(a) ~~((From the mouth to Cougar Smith Road:~~

~~((i))~~ From August 16 through November 30:

~~((A))~~ (i) Anti-snagging rule ~~((applies))~~.

~~((B))~~ (ii) Night closure ~~((in effect))~~.

~~((ii))~~ (b) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through the last day in February: Trout: Daily limit 2; minimum length 14 inches(~~;~~ except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

~~((b) From Cougar Smith Road upstream:~~

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) August 16 through October 31:

(A) Night closure in effect.

(B) Anti-snagging rule applies).

(162)) (80) **Satsop River, West Fork:**

(a) From ~~((the mouth to Cougar Smith Road:~~

~~((i))~~ August 16 through November 30:

~~((A))~~ (i) Anti-snagging rule ~~((applies))~~.

~~((B))~~ (ii) Night closure ~~((in effect))~~.

~~((ii))~~ (b) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through the last day in February: Trout: Daily limit 2; minimum length 14 inches(~~;~~ except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

~~((b) From Cougar Smith Road to USFS 2260 Road Bridge at Spoon Creek:~~

- (i) Open the first Saturday in June through October 31.
- (ii) Selective gear rules apply.
- (iii) August 16 through October 31: Night closure in effect.

(c) From USFS 2260 Road Bridge at Spoon Creek upstream:

- (i) Open the first Saturday in June through October 31.
- (ii) Selective gear rules apply.
- (iii) Eastern brook trout: No limit; no minimum size. 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.

~~(163) Schafer Creek (Grays Harbor County) (Wynoochee River tributary):~~

- (a) From the mouth to USFS 22 Road:
- (b) Open the first Saturday in June through October 31.
- (c) Selective gear rules apply).
- ~~((164)) (81) Sekiu River (Clallam County):~~
  - (a) ((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
  - (b) From the mouth to the forks:
    - (i)) Open the ((first)) Saturday ((in June)) before Memorial Day through January 31.

~~((ii)) (b) From the ((first)) Saturday ((in June)) before Memorial Day through October 31: Selective gear rules ((apply)).~~

~~((iii)) November 1 through January 31: Catch and release only, except mandatory retention of hatchery steelhead.~~

~~(iv)) (c) Trout: Daily limit 2; minimum length 14 inches.~~

- ~~((e) From the forks upstream:
 
  - (i) Open the first Saturday in June through October 31.
  - (ii) Selective gear rules apply.
  - (iii) Catch and release only, except mandatory hatchery steelhead retention applies.~~

~~(165) Shine Creek (Jefferson County):~~

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Catch and release only.

~~(166) Shye Lake (Grays Harbor County): Open the first Saturday in June through October 31.~~

- ~~(167)) (82) Siebert Creek (Clallam County):~~
  - (a) ((Open the first Saturday in June through October 31.
  - (b)) Selective gear rules ((apply)).
  - ((e)) (b) All species: Catch and release fishing only.

~~((168) Silent Lake (Jefferson 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.~~

~~(169) Sitkum River (Clallam County) (Calawah River tributary):~~

- (a) Open the first Saturday in June through October 31.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (c) It is unlawful to use anything other than one barbless hook.
- (d) Release wild (unclipped) rainbow trout.
- (e) It is unlawful to use bait.

(f) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

~~(170) Siwash Creek (Clallam County), outside of Olympic National Park:~~

- (a) Open the first Saturday in June through October 15.
- (b) Selective gear rules apply.
- (c) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Release kokanee.

~~(171)) (83) Skookumchuck River (Thurston County): ((a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b)) From the mouth to 100 feet below the outlet of the TransAlta/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam:~~

~~((ii)) (a) From August 16 through November 30:~~

~~((A)) (i) Night closure ((in effect)).~~

~~((B)) (ii) Single-point barbless hooks are required.~~

~~((ii)) (b) Open the ((first)) Saturday ((in June)) before Memorial Day through April 30: ((A) From the first Saturday in June through March 31,) Trout: Daily limit 2; minimum length 14 inches(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(B) From April 1 through April 30: Trout minimum length 14 inches).~~

~~((iii)) (c) Salmon: Open October 16 through December 31:~~

~~((A)) (i) Limit 6; only two adults may be retained.~~

~~((B)) (ii) Only one wild coho may be retained.~~

~~((C)) (iii) Release Chinook and chum.~~

~~((e) From Skookumchuck Reservoir upstream, selective gear rules apply.~~

~~(172)) (84) Smith Creek (near North River) (Pacific County):~~

~~(a) ((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b)) From the mouth to the Highway 101 Bridge:~~

~~(i) From August 16 through November 30:~~

~~(A) Night closure ((in effect)).~~

~~(B) Single-point barbless hooks are required.~~

~~(ii) Open the ((first)) Saturday ((in June)) before Memorial Day through the last day in February: ((Release all fish except anglers may retain up to 2 hatchery steelhead)) Trout: Daily limit 2; minimum length 14 inches.~~

~~(iii) Salmon: Open October 1 through December 31:~~

~~(A) Limit 6; only 3 adults may be retained.~~

~~(B) Release wild Chinook.~~

~~((e)) (b) From the Highway 101 Bridge upstream:~~

~~(i) Selective gear rules ((apply)).~~

~~(ii) Open the ((first)) Saturday ((in June)) before Memorial Day through the last day in February: ((Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(173) Smith Creek (Pacific County) (Chehalis River tributary):~~

~~(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

(b) Open the first Saturday in June through October 31.

(c) Selective gear rules apply.

**~~(174) Snahapish River (Jefferson County) (Clearwater River tributary):~~**

(a) Open the first Saturday in June through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) It is unlawful to use anything other than one barbless hook.

(d) It is unlawful to use bait.

(e) Release wild (unclipped) rainbow trout.

(f) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)) Trout: Daily limit 2; minimum length 14 inches.

~~((175))~~ (85) Snow Creek and all tributaries (Jefferson County): Closed waters.

**(86) Sol Duc River (Clallam County):**

(a) ~~((It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

(b) It is unlawful to use anything other than one barbless hook.

(c) Release wild (unclipped) rainbow trout.

~~(d))~~ Open ~~((July 1 through June 30))~~ year-round.

~~((e))~~ (b) From the mouth to the concrete pump station at the Sol Duc Hatchery:

(i) ~~((It is unlawful to use bait July 1 through August 31 and February 16 through April 30.~~

~~((ii))~~ Bait allowed September 1 through February 15 and May 1 through July 31.

(ii) From May 1 through May 31: All Species except hatchery steelhead; catch and release fishing only.

(iii) Steelhead: Daily limit 2 hatchery steelhead; minimum length 20 inches.

(iv) Trout:

(A) ~~((May 1 through the Friday before the first Saturday in June: Release all fish except anglers may retain up to 2 hatchery steelhead.~~

(B) ~~The first))~~ Open the Saturday ((in June)) before Memorial Day through ((March 31:)) April 30.

(B) Daily limit 2; minimum length 14 inches((, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).

~~((C))~~ April 1 through April 30: Minimum length 14 inches.

~~((iii))~~ (v) November 1 through the last day in February: Anglers may retain an additional hatchery steelhead as part of the trout limit.

(vi) Salmon: ~~((Open February 1 through November 30:))~~

(A) From February 1 through August 31:

(I) Limit 6; only 2 adults may be retained.

(II) Release wild adult Chinook and wild adult coho.

(B) From September 1 through November 30:

(C) Limit 6; only 3 may be adults and only one adult may be wild.

~~((f))~~ (c) From the concrete pump station at Sol Duc Hatchery to the Highway 101 Bridge upstream of Klahowya Campground:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through April 30.

(ii) It is unlawful to use bait.

(iii) Trout: Daily limit 2; minimum length 14 inches((, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

~~(g) From the Highway 101 Bridge upstream of Klahowya Campground to the Olympic National Park boundary:~~

(i) Open the first Saturday in June through October 31.

(ii) Release all fish, except anglers may retain up to 2 hatchery steelhead.

(iii) It is unlawful to use bait.

**~~(176) Solberg Creek (Clallam County) (Big River tributary):~~**

(a) Open the first Saturday in June through October 15.

(b) Selective gear rules apply.

(c) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Release kokanee.

**~~(177) Solleks River (Jefferson County) (Clearwater River tributary):~~**

(a) Open the first Saturday in June through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) It is unlawful to use anything other than one barbless hook.

(d) It is unlawful to use bait.

(e) Release wild (unclipped) rainbow trout.

(f) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).

~~((178))~~ (87) Sooes River (Tsoo-Yess River) (Clallam County), outside of Makah Indian Reservation: ~~((a))~~ Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through the last day in February.

~~((b))~~ Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(c) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(d) From the first Saturday in June through October 31: Selective gear rules apply.

~~((179))~~ (88) South Bend Mill Pond (Pacific County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

**~~((180) South Creek (Clallam County), outside of Olympic National Park:~~**

(a) Open the first Saturday in June through October 15.

(b) Selective gear rules apply.

(c) Trout:

(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

(ii) Release kokanee.

~~((181))~~ (89) South Nemah River (Pacific County):



(a) ~~((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

(b) ~~From the mouth (Lynn Point, 117 degrees true to opposite shore) to the confluence with Middle Nemah River:~~

~~(i)) From September 1 through November 30:~~

~~((A)) (i) Night closure ((in effect)).~~

~~((B)) (ii) Single-point barbless hooks are required.~~

~~((ii)) (b) Open the ((first)) Saturday ((in June)) before Memorial Day through March 31: ((Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~((iii)) Trout: Daily limit 2; minimum length 14 inches.~~

~~(c) Salmon: ((A)) Open September 1 through January 31.~~

~~((B)) (i) Limit 6; only 4 adults may be retained.~~

~~((C)) (ii) Release wild Chinook.~~

~~((e) From the confluence with the Middle Nemah River upstream to the second Highway 101 Bridge crossing:~~

~~(i) Open the first Saturday in June through March 31.~~

~~(ii) Selective gear rules apply.~~

~~(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(182) Stearns Creek (Lewis County) (Chehalis River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(183)) (90) Stevens Creek (Grays Harbor County):~~

~~((a)) From the mouth to the Highway 101 Bridge:~~

~~((i) Closed) (a) From the WDFW hatchery outlet downstream ((400-feet)) to the cable crossing: Closed waters.~~

~~((ii)) (b) Open the ((first)) Saturday ((in June)) before Memorial Day through September 30 and December 1 through the last day in February.~~

~~((iii)) (c) Trout: Dairy limit 2; minimum length 14 inches(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(b) From the Highway 101 Bridge upstream to the Newbury Creek Road Bridge:~~

~~(i) Open the first Saturday in June through October 31.~~

~~(ii) Selective gear rules apply.~~

~~(184) Stillman Creek (Lewis County) (Chehalis River tributary):~~

~~(a) Open the first Saturday in June through October 31 from the mouth to water supply pipeline at Mill Creek.~~

~~(b) Selective gear rules apply.~~

~~(185) Stowe Creek (Lewis County) (Chehalis River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply).~~

~~((186)) (91) Sutherland Lake (Clallam County):~~

~~(a) Open the fourth Saturday in April through October 31.~~

~~(b) Trout: Minimum length ((6)) 8 inches and maximum length 18 inches.~~

~~((187) Sylvia Creek (Grays Harbor County) (Wynoochee River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(188) Sylvia Lake (Grays Harbor County): It is unlawful to retain more than 2 trout over 15 inches in length.~~

~~(189) Tarboo Creek (Jefferson County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(c) Catch and release only.~~

~~(190) Tarboo Lake (Jefferson 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.~~

~~(191) Teal Lake (Jefferson County):~~

~~(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(b) Selective gear rules apply.~~

~~(c) Trout: Limit one.~~

~~(192) Thorndyke Creek (Jefferson County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(c) Catch and release only.~~

~~(193)) (92) Thrash Creek (Pacific/Lewis County): Closed waters.~~

~~(93) Thunder Creek (Clallam County) (Tributary to East Fork Dickey River): From the mouth to D2400 Road:~~

~~(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(b) It is unlawful to use anything other than one barbless hook.~~

~~(c) It is unlawful to use bait.~~

~~(d) Release wild ((unclipped) rainbow)) trout.~~

~~(e) Trout: Daily limit 2; minimum length 14 inches(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).~~

~~(f) ((From mouth to D2400 Road:)) Open the ((first)) Saturday ((in June)) before Memorial Day through April 30.~~

~~((g) From D2400 Road upstream: Open the first Saturday in June through October 31.~~

~~(194) Trap Creek (Pacific County) (Willapa River tributary):~~

~~(a) Open the first Saturday in June through October 15.~~

~~(b) Selective gear rules apply.~~

~~(195) Trout Creek (Clallam County) (Big River tributary):~~

~~(a) Open the first Saturday in June through October 15.~~

~~(b) Selective gear rules apply.~~

~~(c) Trout:~~

~~(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(ii) Release kokanee.~~

~~(196) Twin Lake (Jefferson County): Open the fourth Saturday in April through October 31.~~

~~(197) Umbrella Creek (Clallam County), outside Olympic National Park, including tributaries:~~

~~(a) Open the first Saturday in June through October 15.~~

~~(b) Selective gear rules apply.~~

~~(c) Trout:~~

~~(i) Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(ii) Release kokanee.~~

~~((198)) (94) Valley Creek (Clallam County): Open ((the first Saturday in June through October 31)) to juvenile~~

anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((199) Vance Creek (Grays Harbor County) (Chehalis River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(200)) (95) Vance Creek/Elma Ponds (Grays Harbor County), Pond One (Bowers Lake) and Pond Two (Lake Ines): ((a)) Pond One/Bowers Lake is open ((only)) to juvenile anglers, senior((s)) anglers, and anglers with a disability who possess a designated harvester companion card only.~~

~~((b) Open the fourth Saturday in April through November 30:~~

~~(i) Anglers may not retain more than 2 trout over 15 inches in length.~~

~~(ii) Landlocked salmon rules apply.~~

~~(201)) (96) Van Winkle Creek (Grays Harbor County):~~

~~(a) ((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b)) From August 16 through November 30:~~

~~(i) Night closure ((in effect)).~~

~~(ii) Anti-snagging rule ((applies)).~~

~~((c)) (b) From the mouth to 400 feet below the outlet of Lake Aberdeen Hatchery:~~

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through January 31((:)).~~

~~(ii) Trout: Daily limit 2; minimum length 14 inches(;; except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).~~

~~((ii)) (iii) Salmon ((open September 16 through January 31):~~

~~(A) ((From)) Open September 16 through December 31:~~

~~(I) Limit 6; only two adults may be retained.~~

~~(II) Only one wild adult coho may be retained.~~

~~(III) Release adult Chinook.~~

~~(B) ((From)) Open January 1 through January 31.~~

~~(I) Limit 6; only two adults may be retained.~~

~~(II) Release Chinook and wild coho.~~

~~((d) From Lake Aberdeen upstream:~~

~~(i) Open the first Saturday in June through October 31.~~

~~(ii) Selective gear rules apply.~~

~~(202) Vesta Creek and all forks (Grays Harbor County) (North River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(203) Ward Creek (Pacific County) (Willapa River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(204) Wentworth Lake (Clallam County): It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(205)) (97) West Twin River (Clallam County):~~

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((c)) (b) All species: Catch and release fishing only.~~

~~((206) Wildcat Creek (Grays Harbor County) (Cloquallum Creek tributary):~~

~~(a) Open from the mouth to the confluence of the Middle and East Forks from the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(207) Wildcat Creek, East Fork (Grays Harbor County) (Cloquallum Creek tributary):~~

~~(a) Open from the mouth to the Highway 108 Bridge (Simpson Avenue, in the town of McCleary) from the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(208)) (98) Willapa River (Pacific County):~~

~~(a) ((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b)) From the mouth (city of South Bend boat launch) to the Highway 6 Bridge approximately 2 miles below the mouth of Trap Creek:~~

~~(i) From August 1 through November 30:~~

~~(A) ((It is unlawful to fish from a floating device from the second bridge on Camp One Road upstream to the mouth of Mill Creek (approximately 0.5 miles).~~

~~(B)) Night closure ((in effect)).~~

~~((C)) (B) Single-point barbless hooks are required.~~

~~((D)) (C) Stationary gear restriction applies, except from the mouth of the Willapa River to the WDFW access site at the mouth of Ward/Wilson creeks.~~

~~(ii) From the City of South Bend boat launch upstream to the second bridge on Camp One Road: Anglers may fish with two poles August 1 through January 31, provided they possess a valid two-pole endorsement.~~

~~(iii) Open the ((first)) Saturday ((in June)) before Memorial Day through March 31(;; release all fish except anglers may retain up to 2 hatchery steelhead.)) Trout: Daily limit 2; minimum length 14 inches.~~

~~(iv) Salmon: Open August 1 through January 31:~~

~~(A) Limit 6; only 4 adults may be retained.~~

~~(B) Release wild Chinook.~~

~~((e)) (b) From Highway 6 Bridge to Fork Creek:~~

~~(i) From August 16 through November 30:~~

~~(A) Night closure ((in effect)).~~

~~(B) Single-point barbless hooks are required.~~

~~(C) Stationary gear restriction ((applies)).~~

~~(ii) Open the ((first)) Saturday ((in June)) before Memorial Day through ((July)) August 15 and from September 16 through March 31: ((Release all fish, except anglers may retain up to 2 hatchery steelhead.)) Trout: Daily limit 2; minimum length 14 inches.~~

~~(iii) Salmon: Open August 16 through September 15:~~

~~(A) Limit 6; only 2 adults may be retained.~~

~~(B) Release wild Chinook.~~

~~(iv) Salmon: Open September 16 through January 31:~~

~~(A) Limit 6; only 4 adults may be retained.~~

~~(B) Release wild Chinook.~~

~~((d)) (c) From Fork Creek upstream to the Highway 6 Bridge near the town of Lebam:~~

~~(i) From August 16 through October 31:~~

~~(A) Night closure ((in effect)).~~

~~(B) Single-point barbless hooks are required.~~

~~(ii) Open the ((first)) Saturday ((in June)) before Memorial Day through ((October 31: Release all fish except anglers~~

~~may retain up to 2 hatchery steelhead))~~ March 31: Trout: Daily limit 2; minimum length 14 inches.

(iii) Salmon: Open October 1 through January 31:

(A) Limit 6; only 4 adults may be retained and only two may be wild coho.

(B) Release wild Chinook.

~~((e))~~ (d) From the Highway 6 Bridge near the town of Lebam upstream:

(i) From August 16 through October 31:

(A) Night closure ~~((in effect))~~.

(B) Single-point barbless hooks are required.

~~((Open the first Saturday in June through October 31: Release all fish except anglers may retain up to 2 hatchery steelhead))~~ Trout: Daily limit 2; minimum length 14 inches.

~~((209))~~ (99) Willapa River, South Fork (Pacific County):

~~(a) ((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b))~~ From the mouth to the bridge on Pehl Road:

(i) From the falls/fish ladder downstream 400 feet in Section 6, Township 13 North, and Range 8 West: Closed waters.

(ii) From the Saturday before Memorial Day through July 31: Selective gear rules ((apply from the first Saturday in June through July 31)).

(iii) From August 1 through November 30:

(A) Night closure ~~((in effect))~~.

(B) Anti-snagging rule ~~((applies))~~.

(C) Barbless hooks are required.

~~((e))~~ (b) Open the ((first)) Saturday ((in June)) before Memorial Day through the last day in February: ((Release all fish except anglers may retain up to 2 hatchery steelhead.))

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Salmon: Open August 1 through January 31:

~~((ii))~~ (A) Limit 6; only 3 adults may be retained.

~~((iii))~~ (B) Release wild Chinook.

~~((e))~~ (c) From Pehl Road upstream:

(i) Open the ((first)) Saturday ((in June)) before Memorial Day through the last day in February.

(ii) ~~((Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(210) Williams Creek (Pacific County) (North Nehalem River tributary):~~

~~(a) Open the first Saturday in June through October 15.~~

~~(b) Release all fish except anglers may retain up to two hatchery steelhead.~~

~~(211) Wilson Creek (Pacific County) (Willapa River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(212) Wilson Creek, North Fork (Pacific County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(213))~~ Trout: Daily limit 2; minimum length 14 inches.

(iii) Selective gear rules.

(100) Wishkah River (Grays Harbor County):

~~(a) ((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b))~~ From August 16 through November 30: Single-point barbless hooks are required.

~~((e))~~ (b) From the mouth to 200 feet below the weir at the Wishkah Rearing Ponds:

(i) Open the ((first)) Saturday ((in June)) before Memorial Day through the last day in February.

(ii) Trout: Daily limit 2; minimum length 14 inches(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).

(iii) Salmon: Open October 1 through December 31:

(A) Limit 6; only two adults may be retained.

(B) Only one wild adult coho may be retained.

(C) Release Chinook.

(iv) From 150 feet upstream to 150 feet downstream of the Wishkah adult attraction channel/outfall structure (within the posted fishing boundary): Open only to anglers with disabilities who permanently use a wheelchair and have a designated harvester companion card.

~~((d) From the weir upstream:~~

~~(i) Open the first Saturday in June through October 31.~~

~~(ii) Selective gear rules apply.~~

~~(214) Wishkah River, East and West forks (Grays Harbor County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(215))~~ (101) Wynoochee River (Grays Harbor County):

~~(a) ((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b))~~ From the mouth to the WDFW White Bridge Access Site:

(i) From August 16 through November 30: Single-point barbless hooks are required.

(ii) Open the ((first)) Saturday ((in June)) before Memorial Day through March 31: Trout: Daily limit 2; minimum length 14 inches(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).

(iii) Salmon: Open October 1 through December 31.

(A) Limit 6; only two adults may be retained.

(B) Only one wild adult coho may be retained.

(C) Release Chinook.

~~((e))~~ (b) From the WDFW White Bridge Access Site to the 7400 line bridge:

(i) From August 16 through November 30: Single-point barbless hooks are required.

(ii) From September 16 through November 30: It is unlawful to use bait.

(iii) Open the ((first)) Saturday ((in June)) before Memorial Day through March 31: Trout: Daily limit 2; minimum length 14 inches(, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).

~~((e))~~ (c) From the 7400 line bridge to 400 feet below Wynoochee Dam, including the confluence of the reservoir upstream to Wynoochee Falls:

(i) ~~((Closed))~~ From 400 feet downstream of Wynoochee Dam and from the barrier dam near Grisdale: Closed waters.

(ii) Open the ((first)) Saturday ((in June through October 31 and from December 1)) before Memorial Day through March 31:

(A) ~~((From the first Saturday in June through October 31:))~~ Trout: Daily limit 2; minimum length 14 inches ~~((; except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit)).~~

(B) ~~((From December 1 through March 31:~~

~~(H))~~ Selective gear rules ~~((apply)).~~

~~((II))~~ Release all fish, except anglers may retain up to 2 hatchery steelhead.

~~(e)~~ From Wynoochee Falls upstream:

~~(i)~~ Open the first Saturday in June through October 31.

~~(ii)~~ Selective gear rules apply.

~~(iii)~~ Eastern brook trout: No limit. 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.

~~(216))~~ **(102) Wynoochee Reservoir (Grays Harbor County):**

~~(a)~~ Open the ~~((first Saturday in June))~~ fourth Saturday in April through October 31.

~~(b)~~ Trout: Daily limit 2; minimum length ~~((42))~~ 14 inches.

~~((e))~~ Landlocked salmon rules apply:))

AMENDATORY SECTION (Amending WSR 17-17-029, filed 8/8/17, effective 9/8/17)

**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))~~ 200 feet above Abernathy Falls to posted markers 500 feet downstream from the Abernathy Fish Technology Center: Closed waters.

~~((H))~~ ~~(b)~~ 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))~~ ~~(c)~~ Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day 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:

~~(H)~~ No minimum size for trout.

~~(H)~~ 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))~~ ~~(d)~~ Trout: Daily limit 2; minimum length 14 inches.

~~(e)~~ Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

~~(f)~~ Salmon:

~~((H))~~ ~~(i)~~ Open November 1 through December 31.

~~((H))~~ ~~(ii)~~ Limit 6; up to 2 may be adults.

~~((HH))~~ ~~(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.

~~(e)~~ 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.

~~(e)~~ Trout: It is unlawful to retain more than 2 fish twenty inches or greater in length.

~~(3))~~ ~~(2)~~ **Blue Creek (Lewis County), from the mouth to Spencer Road:**

~~(a)~~ ~~((Closed))~~ From posted sign above rearing pond outlet to Spencer Road: Closed waters.

~~(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))~~ Barbless hooks are required for salmon and steelhead.

~~(e)~~ Open Saturday before Memorial Day through April 15:

~~(f)~~ Trout: Daily limit 5; minimum length 8 inches.

~~(g)~~ Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

~~(h)~~ 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))~~ ~~(3)~~ **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 fishing only.

~~((5))~~ ~~(4)~~ **Blue Lake Creek (Lewis County):** Selective gear rules ~~((apply)).~~

~~((6))~~ ~~(5)~~ **Butter Creek (Lewis County):** ~~((a))~~ Selective gear rules ~~((apply)).~~

~~((b))~~ Trout: Minimum length 10 inches.

~~(7)) (6) Canyon Creek (Clark County): ((a) Open the Saturday before Memorial Day through October 31.~~

~~(b)) Trout: Daily limit 5.~~

~~((8) Canyon Creek tributaries including Fly, Little Fly, Big Rock, Sorehead, Jakes, and Pelvey creeks (Clark/Skamania counties): Open.~~

~~(9)) (7) Carlisle Lake (Lewis County):~~

~~(a) Open the fourth Saturday in April through ((last day in February)) October 31.~~

~~(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)) (8) Cedar Creek and all tributaries (tributary of N.F. Lewis) (Clark County):~~

~~(a) ((From the mouth to Grist Mill Bridge:~~

~~(i)) From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters.~~

~~(b) Selective gear rules.~~

~~(c) Open the ((first)) Saturday ((in June)) before Memorial Day 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)) (d) Trout: Daily limit 2; minimum length 14 inches.~~

~~(e) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(f) Salmon:~~

~~((A)) (i) Open November 1 through December 31.~~

~~((B)) (ii) Limit 6; up to 2 may be adults.~~

~~((C)) (iii) 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)) (9) 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)) Trout: Daily limit 2; minimum length 14 inches.~~

~~(10) 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)) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(d) Salmon:~~

~~((i) Open year-round.~~

~~(ii)) (i) Limit 6; up to 2 may be adults.~~

~~((iii)) (ii) Only hatchery Chinook and hatchery coho may be retained.~~

~~((16)) (11) Cispus River, North Fork (Lewis County):~~

~~(a) Selective gear rules ((apply)).~~

~~(b) ((Trout: Release cutthroat.~~

~~(17)) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(12) Coal Creek (Cowlitz County):~~

~~(a) From the mouth to 400 feet below the falls:~~

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through August 31 and November 1 through ((last day in February)) March 15.~~

~~(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)) Trout: Daily limit 2; minimum length 14 inches.~~

~~(iv) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(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 falls to)) 400 feet ((downstream)) below the falls to the falls: Closed waters.~~

~~((c) From the falls upstream to source including all tributaries: Release all fish except trout.~~

~~(18)) (13) Coldwater Lake (Cowlitz County):~~

~~(a) The Coldwater Lake inlet and outlet streams ((are)); Closed waters.~~

~~(b) Selective gear rules ((apply)).~~

~~(c) ((It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(d)) Trout: Daily limit ((one)) 2; minimum length ((16)) 14 inches.~~

~~((19)) (14) Cougar Creek (tributary to Yale Reservoir) (Cowlitz County):~~

~~(a) Selective gear rules.~~

~~(b)~~ Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 31.

~~((20))~~ **(15) Coweeman River and all tributaries (Cowlitz County):**

(a) Barbless hooks are required for salmon and steelhead.

~~(b) ((From the mouth to Baird Creek:~~

~~(+))~~ Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 31 and November 1 through March 15.

~~((+))~~ (c) Trout: Daily limit 2; minimum length 14 inches.

~~(d) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(e) Salmon:~~

~~((A))~~ (i) Open November 1 through December 31.

~~((B))~~ (ii) Limit 6; up to 2 may be adults.

~~((C))~~ (iii) Only hatchery Chinook and hatchery coho may be retained.

~~((e) 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))~~ **(16) 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 arm(s).

(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.)~~ wild trout.

~~(ii) Daily limit 10; minimum length 8 inches.~~

~~(e) Steelhead: Daily limit 2 hatchery steelhead; minimum length 20 inches.~~

~~(f) Salmon ((open year round):~~

~~(i) Daily limit 6; minimum length 12 inches.~~

~~(ii) Up to 2 may be adults.~~

~~((ii) Minimum length 8 inches.)~~

~~(iii) Only hatchery Chinook and hatchery coho may be retained.~~

~~((22))~~ **(17) 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; Closed waters.

~~((B))~~ (ii) From 400 feet below the Mayfield powerhouse upstream to Mayfield Dam; Closed waters.

~~((C))~~ (iii) 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; Closed waters.

~~((D))~~ (iv) 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; Closed waters.

~~((+))~~ (v) 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 August 1 through May 31.

~~(vi) From the mouth of Mill Creek to the Cowlitz Salmon Hatchery barrier dam:~~

~~(A) It is unlawful to fish from a floating device.~~

~~(B) From 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) From 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))~~ (vii) Trout: Open year-round.

(A) Release wild trout.

(B) From the Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches.

(viii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(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 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) Release wild trout.

(vi) Steelhead: Daily limit 2 hatchery steelhead; minimum length 20 inches.

(vii) 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)) (c) From Forest Road 1270 (old Jody's Bridge) upstream and all tributaries.~~

(18) 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)) (b) Trout: Daily limit 2; minimum length 14 inches.~~

(c) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Limit 6(;; up to 2 may be adults.

~~((D)) (ii) Only hatchery Chinook and hatchery coho may be retained.~~

~~((26) Delameter)) (19) Delameter Creek (Cowlitz County):~~

~~(a) ((Closed)) From 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek; Closed waters.~~

~~(b) ((Release all fish except hatchery steelhead and hatchery cutthroat. Three hatchery trout limit. Mandatory hatchery steelhead retention.~~

~~(e)) Selective gear rules ((apply)).~~

(c) Trout: Daily limit 2; minimum length 14 inches.

(d) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(e) 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)) (20) Drano Lake (Skamania County): 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)) January 1 through ((June 30)) March 15 and from ((October)) July 1 through ((December 31)) September 30.~~

~~(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 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) From April 16 through June 30: The area west of a line projected from the easternmost pillar of the Highway 14 Bridge to a posted marker on the north shore is open only to bank fishing ((from April 16 through June 30)).~~

~~(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;)) Wall-eye: No limit and no size restriction.~~

~~(l) Trout: Release all trout((: except anglers may retain up to 2 hatchery steelhead.~~

~~(t) Walleye: No limit and no size restriction)).~~

(m) Steelhead: From January 1 through March 15; daily limit 2 hatchery steelhead; minimum length 20 inches.

(n) Salmon and steelhead: Open March 16 through December 31:

(i) From March 16 through ~~((June 15))~~ July 31: Limit 2 hatchery steelhead or 2 hatchery Chinook, or one of each. Release all other salmon.

(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))~~ December 31: Limit 6; no more than 3 adult ~~((salmon, release all steelhead:~~

~~((iv) From October 1 through October 31: Limit 6; no more than 3 adults, of which only 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))~~ salmonids, of which no more than 2 hatchery steelhead may be retained.

**(21) Elochoman River (Wahkiakum County):**

(a) ~~((The following areas are closed:~~

~~((i))~~ From 200 feet above the department of fish and wildlife temporary weir downstream to Foster (Risk) Road Bridge while the weir is installed in the river: Closed waters.

~~((ii))~~ (b) September 1 through October 31: From 200 feet above the temporary weir upstream to the Elochoman Hatchery Bridge: Closed waters.

~~((b))~~ (c) From the mouth to West Fork:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day 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.~~

~~((e) 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 August 1 through the Friday before Memorial Day.

~~((iv) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~((v) Salmon:~~

~~((A) Daily limit 6; up to 2 may be adults.~~

~~((B) Only hatchery Chinook and hatchery coho may be retained.~~

~~((d) From the mouth to the Beaver Creek hatchery bridge: Salmon and steelhead:~~

~~((i) Open April 16 through the Friday before Memorial Day.~~

~~((ii) Minimum length 12 inches; daily limit 6; of which 3 may be adult hatchery Chinook or hatchery steelhead. Release wild Chinook.~~

~~((e) 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)):~~

~~((i) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~((ii) Salmon:~~

~~((A) ((Open the first Saturday in June through October 31.~~

~~((B)) Limit 6; up to 2 may be adults.~~

~~((C))~~ (B) 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))~~ (22) Franz Lake (Skamania County): Closed waters.

~~((33))~~ (23) Germany Creek (Cowlitz County) and all tributaries ~~((including John and Loper creeks)):~~

(a) Open the ~~((first Saturday in June))~~ Saturday before Memorial Day 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))~~ Trout: Daily limit 2; minimum length 14 inches.

~~((d) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~((e) 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)) (24) 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))~~ Saturday before Memorial Day 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; Closed waters.

(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.

~~(c) ((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.)~~ Selective gear rules January 1 through March 15. Trout: Daily limit 2; minimum length 14 inches.

(f) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(g) Salmon:

(i) From the mouth to the Highway 4 Bridge: Open the ~~((first Saturday in June))~~ Saturday before Memorial Day 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))~~ Saturday before Memorial Day 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))~~ (h) From South Fork upstream:

(i) Selective gear rules.

(ii) Open the Saturday before Memorial Day through March 15.

(iii) Trout: Daily limit 2; minimum length 14 inches.

(iv) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(v) Salmon:

(A) Open the Saturday before Memorial Day through December 31.

(B) Daily limit 6; minimum length 12 inches. Up to 2 adults may be retained.

(C) Only hatchery Chinook and hatchery coho may be retained. All Chinook must be adipose and/or ventral fin clipped to be retained.

(25) 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))~~ Open the Saturday before Memorial Day through March 15.

(c) Trout: Daily limit 2; minimum length 14 inches.

(d) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(e) Salmon:

(i) Open the ~~((first Saturday in June))~~ Saturday before Memorial Day 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))~~ (26) 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))~~ (b) Open the Saturday before Memorial Day through March 15.

(c) Trout: Daily limit 2; minimum length 14 inches.

(d) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(e) Salmon:

(i) Open the ~~((first Saturday in June))~~ Saturday before Memorial Day through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained. All Chinook must be adipose and/or ventral fin clipped to be kept.

~~((iv) Effective August 1, all Chinook must be adipose and/or ventral fin clipped to be kept.~~

~~(39))~~ (27) Grays River, West Fork (Wahkiakum County):

(a) ~~((Downstream from the hatchery intake/footbridge:~~

~~(i))~~ Barbless hooks are required for salmon and steelhead.

~~((ii))~~ (b) Open the ((first Saturday in June)) Saturday before Memorial Day 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))~~ (c) 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))~~ (d) Trout: Daily limit 2; minimum length 14 inches.

(e) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(f) Salmon: Open ((from first Saturday in June)) the Saturday before Memorial Day through December 31.

~~((A))~~ (i) Limit 6; up to 2 may be adults.

~~((B))~~ (ii) Only hatchery Chinook or hatchery coho may be retained. All Chinook must be adipose and/or ventral fin clipped to be kept.

~~((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))~~ (28) 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))~~ 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: Closed waters.

(ii) 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: Closed waters.

(iii) 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.

(iv) Barbless hooks required for salmon and steelhead from the Saturday before Memorial Day through July 31 and from December 1 through March 15.

(v) Open the Saturday before Memorial Day through March 15.

(vi) Trout: Daily limit 2; minimum length 14 inches.

(vii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(viii) 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))~~ (ii) Trout: Daily limit 2; minimum length 14 inches.

(29) Green River tributaries (Cowlitz County): Trout: Daily limit 2; minimum length 14 inches.

(30) Grizzly Lake (Skamania County): Closed waters.

~~((42))~~ (31) Hamilton Creek (Skamania County):

(a) All tributaries downstream from the Highway 14 Bridge: Closed waters.

(b) Selective gear rules ((apply)).

~~((b) Bass: No limit and no size restriction.~~

(e) 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)) (c) Trout: Daily limit 2; minimum length 14 inches.  
 (d) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.  
 (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.  
 ((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)) (32) ~~Horsethief Lake (Klickitat County)~~: Open the fourth Saturday in April through October 31.  
 (33) ~~Indian Heaven Wilderness Lakes (Skamania County)~~: Trout: Daily limit ((3)) 2; minimum length 8 inches.  
 ((47)) (34) ~~Johnson Creek (Lewis County) (Cowlitz River tributary)~~: ((a)) Selective gear rules ((apply)).  
 ((b) Trout: Minimum length 10 inches.  
 (48)) (35) ~~Kalama River (Cowlitz County)~~:  
 (a) From boundary markers at the mouth upstream to 1,000 feet ((above)) below 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: Closed waters.  
 (ii) From the railroad bridge below I-5 to the intake at the lower salmon hatchery: From April 1 through October 31:  
 (A) Night closure.  
 (B) Anti-snagging rule. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.  
 (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor upstream of Modrow Bridge.  
 (iv) 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 sear at the location of the adipose fin. No minimum size.  
 (ix)) (v) Open year-round.  
 (vi) Trout: Daily limit 2; minimum length 14 inches.  
 (vii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.  
 (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 1,000 feet below to 1,000 feet above the fishway at upper salmon hatchery: Closed waters.  
 (c) From 1,000 feet above the fishway at the upper salmon hatchery, upstream to Summers Creek and all tributaries:  
 (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 sear at the location of the adipose fin. No minimum size.  
 (e) 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 sear 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)) (iii) Trout: Daily limit 2; minimum length 14 inches.~~

~~(iv) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(d) From Summers Creek upstream to 6420 Road:~~

~~(i) Barbless hooks are required for salmon and steelhead.~~

~~(ii) Open the Saturday before Memorial Day through November 30:~~

~~(iii) Fly fishing only.~~

~~(iv) Trout: Daily limit 2; minimum length 14 inches.~~

~~(v) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(e) 6420 Road to upstream and all tributaries:~~

~~(i) Selective gear rules.~~

~~(ii) Open the Saturday before Memorial Day through November 30.~~

~~(iii) Trout: Daily limit 2; minimum length 14 inches.~~

~~(iv) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(36) Klickitat River (Klickitat County):~~

~~(a) From the mouth (Burlington Northern Railroad Bridge) to Fisher Hill Bridge:~~

~~(i) April 1 to the Friday before Memorial Day open only for salmon and steelhead on Mondays, Wednesdays, and Saturdays only:~~

~~(A) Anti-snagging rule and night closure. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.~~

~~(B) Limit 2; no more than 2 hatchery steelhead, or 2 salmon, or one of each, may be retained.~~

~~(C) Release wild Chinook.~~

~~(D) Barbless hooks required for salmon and steelhead.~~

~~(ii) Open Saturday before Memorial Day through July 31.~~

~~(A) Trout: Daily limit 2; minimum length 14 inches.~~

~~(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(C) Salmon: Daily limit 6; no more than 2 adults may be retained.~~

~~(D) Release wild Chinook.~~

~~(E) Barbless hooks required for salmon and steelhead.~~

~~(iii) Open August 1 through January 31.~~

~~(A) Anti-snagging rule and night closure. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.~~

~~(B) Trout: Daily limit 2; minimum length 14 inches.~~

~~(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(D) Salmon: Daily limit 6; no more than 3 adults may be retained.~~

~~(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) Open the Saturday before Memorial Day through November 30:~~

~~(A) Trout: Daily limit 2; minimum length 14 inches.~~

~~(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(iii) Whitefish:~~

~~(A) Open December 1 through the last day in February for Whitefish only.~~

~~(B) Whitefish gear rules.~~

~~(iv) Salmon:~~

~~(A) Saturday before Memorial Day 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 the Saturday before Memorial Day through November 30:~~

~~(A) Trout: Daily limit 2; minimum length 14 inches.~~

~~(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(ii) Whitefish:~~

~~(A) Open December 1 through the last day in February for whitefish only.~~

~~(B) Whitefish gear rules.~~

~~(iii) Barbless hooks are required for salmon and steelhead.~~

~~(37) Lacamas Creek (Clark County):~~

~~(a) From the mouth to the footbridge at the lower falls:~~

~~(i) Open the ((first Saturday in June)) Saturday before Memorial Day 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.)) Selective gear rules.~~

~~(ii) Trout: Daily limit 2; minimum length 14 inches.~~

~~(iv) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

(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.

~~((e) 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)) (38) Lacamas Creek, tributary of Cowlitz River (Lewis County):~~

~~(a) Selective gear rules ((apply)).~~

~~(b) Trout: ((Limit 3.~~

~~(e) Release all trout except anglers may retain hatchery steelhead and hatchery cutthroat.)) Daily limit 2; minimum length 14 inches.~~

~~(c) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(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)) (39) 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: Closed waters.~~

~~(B) Those waters shoreward of the cable buoy and cork-line at the mouth of the Lewis River Salmon Hatchery fish ladder: Closed waters.~~

~~(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.~~

~~(vii)) (iv) Trout: Daily limit 2; minimum length 14 inches.~~

~~(v) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(vi) Salmon:~~

~~(A) Open January 1 through April 30: Daily 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.~~

~~((viii) Bass: No limit and no size restriction.~~

~~(ix) Channel catfish: No limit.~~

~~(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 from 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)) Trout: Daily limit 2; minimum length 14 inches.~~

~~(v) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(vi) Salmon:~~

~~(A) Open from 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 waters.~~

~~(d) From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.~~

~~(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 waters.~~

~~(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))~~ length.

~~((A)) (g) From Eagle Cliff Bridge to ((the lower falls))~~

Big Creek, including all tributaries:

~~(i) Selective gear rules ((apply)).~~

(ii) Open the Saturday before Memorial Day through July 15.

~~(iii) Trout:~~

~~(A) Daily limit 10; minimum length 8 inches.~~

~~(B) ((It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(C) Catch and release only.~~

~~(g)) Release wild trout.~~

~~(h) From Big Creek to the lower falls ((upstream)) and all tributaries ((including Copper, Alec, Quartz, Straight (tributary of Quartz), Snagtooth (tributary of Quartz), French (tributary of Quartz), Tillieum, 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)):~~

~~(i) Selective gear rules.~~

~~(ii) Catch and release fishing only.~~

**(40) 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: Closed waters.~~

~~((ii)) (b) From 400 feet below to 400 feet above Moulton Falls: Closed waters.~~

~~((iii)) (c) From 400 feet below Horseshoe Falls upstream, including all tributaries above Horseshoe Falls: Closed waters.~~

~~((b)) (d) 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.~~

~~(e)) Open from the Saturday before Memorial Day through July 15 and September 16 through March 15.~~

~~(i) Selective gear rules.~~

~~(ii) Trout: Daily limit 2; minimum length 14 inches.~~

~~(iv) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(v) Salmon:~~

~~((i)) (A) Open ((August 1)) September 16 through December 31.~~

~~((ii)) (B) Limit 6; up to 2 may be adults.~~

~~((iii)) (C) 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)) (e) All tributaries from the mouth to 400 feet below Horseshoe Falls:~~

~~(i) Selective gear rules.~~

~~(ii) Trout: Daily limit 2; minimum length 14 inches.~~

**(41) Little Klickitat River (Klickitat County): Within Goldendale city limits:**

~~(a) Open the fourth Saturday in April through the Friday before Memorial Day to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.~~

~~(b) Open the Saturday before Memorial Day through October 31 to all anglers.~~

~~(c) Trout: Limit five; no minimum length.~~

**(42) 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.~~

~~(e)) Selective gear rules ((apply)).~~

~~(b) Trout: Daily limit 2; minimum length 14 inches.~~

~~(c) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(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)) (43) **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):~~

~~(a) 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: Closed waters.~~

~~(b) ((Release all fish except trout.~~

~~(e) Trout: Limit 5.~~

~~(60)) Trout: Daily limit 5; minimum length 8 inches.~~

**(44) Love Lake (Clark County):** Closed waters.

~~((61)) (45) **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 waters.~~

~~(c) Trout:~~

~~(i) Daily limit 10; 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))~~ wild trout.

~~(d)~~ Steelhead: Daily limit 2 hatchery steelhead; minimum length 20 inches.

~~(e)~~ Salmon:

~~(i)~~ Open September 1 through December 31:

~~((i))~~ ~~(ii)~~ Daily limit 6; minimum length ((8)) 12 inches.

~~((ii))~~ Limit 6;) ~~(iii)~~ No more than 2 may be adults.

~~((iii))~~ ~~(iv)~~ Only hatchery Chinook and hatchery coho may be retained.

~~((62))~~ ~~(46)~~ **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 fishing only.

~~((63))~~ ~~(47)~~ **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, Buneombe Hollow, Rock creeks, Speelyai Creek and its tributaries, Brooks, and West Fork creeks (except Canyon Creek):** Statewide season, minimum size, and limits apply.

~~(65))~~ ~~(48)~~ **Mill Creek (Cowlitz County):**

~~(a)~~ Open the ((first Saturday in June)) Saturday before Memorial Day 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))~~ Trout: Daily limit 2; minimum length 14 inches.

~~(d)~~ Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

~~(e)~~ 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))~~ ~~(49)~~ **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)) Saturday before Memorial Day through October 31 and from December 1 through December 31.

~~(c)~~ Anti-snagging rule ((applies and night closure in effect)) from 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))~~ Night closure from December 1 through December 31.

~~(e)~~ Trout: Daily limit 2; minimum length 14 inches.

~~(f)~~ Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

~~(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))~~ ~~(50)~~ **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.

~~(e)~~ 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)~~ **Ohanapeeosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties):**

~~(a)~~ Selective gear rules apply.

~~(b)~~ Trout: Minimum length 12 inches.

~~(71))~~ ~~(51)~~ **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; Closed waters.

~~(b)~~ ((Trout: Limit 3.

~~(e)~~ 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))~~ Selective gear rules.

~~(c)~~ Trout: Daily limit 2; minimum length 14 inches.

~~(d)~~ Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

~~(e)~~ 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))~~ ~~(52)~~ **Ostrander Creek (Cowlitz County):**

~~(a)~~ Selective gear rules ((apply)).

~~((73))~~ ~~(b)~~ Trout: Daily limit 2; minimum length 14 inches.

~~(c)~~ Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

~~(53)~~ **Outlet Creek (Silver Lake) (Cowlitz County):**

~~(a)~~ ((First Saturday in June)) From the Saturday before Memorial Day 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.~~  
 (e)) ~~Selective gear rules ((apply)).~~  
 (c) ~~Trout: Daily limit 2; minimum length 14 inches.~~  
 (d) ~~Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~  
 ((d)) (e) ~~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)) (54) ~~**Rainey Creek (Lewis County):**~~  
 (a) ~~((Open from the)) From 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));  
 (i) ~~Daily limit 5; minimum length 8 inches.~~  
 (ii) ~~Release wild trout.~~  
 (55) ~~**Riffe Lake (Reservoir) (Lewis County):**~~  
 (a) ~~Open from Mossyrock Dam to Cowlitz Falls Dam((, except closed));~~  
 (b) ~~From Cowlitz Falls Dam downstream to the Lewis County PUD safety signs located approximately 800 feet below the dam; Closed waters.~~  
 ((b)) (c) ~~It is permissible to fish up to the base of Swoford Pond Dam.~~  
 ((e)) (d) ~~Landlocked salmon rules ((apply)).~~  
 ((78) ~~**Riffe Lake (Reservoir) tributaries (Lewis County)** (excluding Rainey Creek), including Sulphur, Simmons, Swigert, Shelton, Steel Canyon, Indian, Sand, Landers, Peterson, Goat, and Tumwater creeks: Statewide season, minimum size, and limits apply.~~  
 (79)) (56) ~~**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.~~  
 (57) ~~**Rock Creek (Skamania County):** ((a) Open)~~  
From the mouth to the falls at approximately river mile one((-; (+));  
 (a) Barbless hooks are required for salmon and steelhead.

(b) Open from the ((first Saturday in June)) Saturday before Memorial Day 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) Trout: Daily limit 2; minimum length 14 inches.  
 (d) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.  
 (e) 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)) (58) ~~**Salmon Creek (Clark County):** From the mouth to 182nd Avenue Bridge:~~  
 (a) Barbless hooks are required for salmon and steelhead.  
 (b) Open the ((first Saturday in June)) Saturday before Memorial Day 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)) (c) Trout: Daily limit 2; minimum length 14 inches.  
 (d) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.  
 (e) 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)) (59) ~~**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)) (b) Trout: Daily limit 2; minimum length 14 inches.  
 (c) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.



(d) 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))~~ **(60) Silver Lake (Cowlitz County):** ~~((Crappie limit 10; minimum length 9 inches))~~ Grass carp: No daily limit; no minimum length.~~((83))~~ **(61) Silver Creek (tributary to Cowlitz River) (Lewis County):**(a) ~~((Open))~~ From the mouth to USFS Road 4778.(b) Selective gear rules ~~((apply))~~.~~((e) Trout: Minimum length 14 inches.~~~~(84))~~ **(62) Skamokawa Creek (Wahkiakum County):**(a) Selective gear rules.(b) Open the ((first Saturday in June)) Saturday before Memorial Day 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))~~ (c) Trout: Daily limit 2; minimum length 14 inches.(d) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.(e) 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))~~ **(63) 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))~~ **(64) Spearfish Lake (Klickitat County):** Open the fourth Saturday in April through March 31.**(65) Spirit Lake (Skamania County):** Closed waters.~~((88))~~ **(66) Spring Creek (Klickitat County):** From Hill road upstream to the Goldendale Hatchery: Trout: Limit 5; minimum length 8 inches.**(67) 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.~~~~(e))~~ Selective gear rules.(b) Trout: Daily limit 2; minimum length 14 inches.(c) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.(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.

~~((89))~~ **(68) Swift Reservoir (Skamania County):**(a) From dam to posted markers approximately 3/8 mile below Eagle Cliff Bridge:(i) Open the ((first Saturday in June)) Saturday before Memorial Day through November 30.(ii) Trout:(A) Daily limit 10; minimum length 8 inches.(B) Release wild trout.(iii) Salmon:(A) Open the Saturday before Memorial Day through November 30.(B) Landlocked salmon rules.(C) Maximum length 15 inches.(b) ~~((Release all trout, except rainbow trout with a clipped adipose fin and a healed sear at the site of the clipped fin may be retained.~~~~(e))~~ From the posted markers approximately 3/8 mile below Eagle Cliff Bridge to the bridge:(i) 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))~~ (ii) Open the Saturday before Memorial Day through July 15.(iii) Trout:(A) Daily limit 10; minimum length 8 inches.(B) Release wild trout.(iv) Salmon:~~((i))~~ (A) Open the ((first Saturday in June)) Saturday before Memorial Day through ((November 30)) July 31.~~((ii))~~ (B) Landlocked salmon rules ((apply)).~~((iii))~~ (C) 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))~~ **(69) Tilton River (Lewis County):** From the mouth to the West Fork:(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: Closed waters.(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)) from September 1 through October 31. 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))~~ (d) Night closure from September 1 through October 31.(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.

~~((93))~~ (70) Tilton River, East, North, South and West Forks (Lewis County): ~~((a))~~ Selective gear rules ~~((apply))~~.

~~((b) Trout: Minimum length 12 inches.~~

~~(94))~~ (71) 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.)):~~

~~(a) Barbless hooks required for salmon and steelhead.~~

~~(b) Open the Saturday before Memorial Day through March 15.~~

~~(c) Trout: Daily limit 2; minimum length 14 inches.~~

~~(d) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(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))~~ (72) Toutle River tributaries (Cowlitz County): Trout: Release wild trout.

(73) Toutle River, North Fork (Cowlitz County):

(a) From the mouth to the posted deadline below the fish collection facility:

(i) Open the Saturday before Memorial Day through March 15.

(ii) September 1 through October 15: Anti-snagging rule and night closure 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.

(iii) Barbless hooks are required for salmon and steelhead.

(iv) Trout: Daily limit 2; minimum length 14 inches.

(v) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(vi) Salmon open August 1 through Nov 30:

(A) Daily limit 6; up to 2 may be adults.

(B) Only hatchery Chinook and hatchery coho may be retained.

(b) From the posted deadline downstream of the fish collection facility upstream and all tributaries: Closed waters.

(74) 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.~~

~~((e))~~ From the mouth to 4700 road:

(i) Open from April 16 through the Friday before Memorial Day:

(A) Selective gear rules.

(B) Trout: Release all trout.

(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(ii) Open from the Saturday before Memorial Day through November 30:

(A) Barbless hooks are required for salmon and steelhead from August 1 through November 30.

(B) Trout: Daily limit 2; minimum length 14 inches.

(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iii) Open from December 1 through March 15:

(A) Selective gear rules.

(B) Trout: Daily limit 2; minimum length 14 inches.

(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(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.

((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)) (b) From ((4100)) 4700 Road Bridge upstream ((to source)):

(i) Barbless hooks are required for salmon and steelhead from August 1 through November 30.

(ii) Open the ((first Saturday in June)) Saturday before Memorial Day through ((November 30.

(96) Tunnel Lake (Skamania County): It is unlawful to retain more than 2 trout 20 inches or more in length.

(97)) March 15.

(iii) Open December 1 through March 15:

(A) Selective gear rules.

(B) Trout: Daily limit 2; minimum length 14 inches.

(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(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.

(75) 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 shore-line 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)) Trout: Daily limit 2; minimum length 14 inches.~~

~~(c) Steelhead: Daily limit 2 hatchery steelhead; minimum length 20 inches.~~

~~(76) Walupt Lake (Lewis County): ((a)) All inlet streams ((are)): Closed waters.~~

~~((b) Open the fourth Saturday in April through October 31.~~

~~(e) Selective gear rules apply.~~

~~(d) Trout: Minimum length 10 inches.~~

~~(99)) (77) Washougal River (Clark County):~~

~~(a) From the mouth to the ((bridge at Salmon Falls)) Mount Norway Bridge:~~

~~((a) Closed) (i) From 1,000 feet (or posted markers) below to 200 feet above the temporary weir when the weir is installed in the river: Closed waters.~~

~~((b)) (ii) Night closure.~~

~~(iii) Anti-snagging rule from July 1 through October 31. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.~~

~~(iv) Open from April 16 through the Friday before Memorial Day:~~

~~(A) Selective gear rules.~~

~~(B) Release all trout.~~

~~(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(v) Open the ((first)) Saturday ((in June)) before Memorial Day through March 15.~~

~~((e)) (A) 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.~~

~~(e)) (B) Trout: Daily limit 2; minimum length 14 inches.~~

~~(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(vi) Salmon:~~

~~((h)) (A) Open August 1 through December 31.~~

~~((i)) (B) Limit 6; up to 2 may be adults.~~

~~((iii)) (C) Only hatchery Chinook and hatchery coho may be retained.~~

~~((+00)) (b) From the Mount Norway Bridge to the bridge at Salmon Falls:~~

~~(i) Anti-snagging rule from August 1 through October 31. When anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.~~

~~(ii) Night closure from August 1 through October 31.~~

~~(iii) Trout: Daily limit 2; minimum length 14 inches.~~

~~(iv) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(v) Salmon:~~

~~(A) Open August 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 the bridge at Salmon Falls upstream and all tributaries: Closed waters.~~

~~(78) Washougal River, West (North) Fork (Clark/Skamania counties):~~

~~(a) From the mouth to the water intake at the department hatchery: Closed waters.~~

~~(b) From the intake at the department hatchery ((to the source)) upstream:~~

~~(i) Barbless hooks are required for salmon and steelhead.~~

~~(ii) Open the ((first)) Saturday ((in June)) before Memorial Day through March 15.~~

~~((ii)) (iii) 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.~~

~~(e)) Daily limit 2; minimum length 14 inches.~~

~~(iv) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(v) Salmon:~~

~~((h)) (A) Open August 1 through December 31.~~

~~((i)) (B) Limit 6; up to 2 may be adults.~~

~~((iii)) (C) 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)) (79) Wind River (Skamania County):~~~~(a) From the mouth to (400 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) June 16 through 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 June 15:~~~~(i) Limit 2; no more than 2 salmon, or 2 hatchery steelhead, or one of each, may be retained.~~~~(H) 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.~~~~(H) 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.~~~~(H) From August 1 through August 31: Limit 6; up to 2 adult salmon may be retained. Release all steelhead.~~~~(H) 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.~~~~(H) 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;~~~~(H) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead;~~~~(H) 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)) the Highway 14 Bridge:~~~~(i) Open year-round.~~~~(ii) Barbless hooks are required for salmon and steelhead except from March 16 through June 30.~~~~(iii) March 16 through June 30: Night closure.~~~~(iv) March 16 through June 30: Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.~~~~(v) March 16 through June 30: Two-pole fishing for salmon/steelhead is permissible so long as the angler possesses a two-pole endorsement.~~~~(vi) 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.~~~~(vii) Trout: Open November 1 through March 15; release wild trout.~~~~(viii) Steelhead: Open November 1 through March 15; daily limit 3 hatchery steelhead; minimum length 20 inches.~~~~(ix) Salmon and steelhead:~~~~(A) Open March 16 through October 31:~~~~(B) Daily limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.~~~~(C) Release wild Chinook and wild coho.~~~~(b) From the Highway 14 Bridge to 400 feet below Shipherd Falls:~~~~(i) Open year-round.~~~~(ii) Barbless hooks are required for salmon and steelhead from July 1 through March 15.~~~~(iii) March 16 through June 30: Night closure.~~~~(iv) Anti-snagging rule from May 1 through June 30 and August 1 through October 31. Only fish hooked inside the mouth may be retained when anti-snagging rule is in effect.~~~~(v) Trout: Release wild trout.~~~~(vi) Steelhead: Open November 1 through March 15; daily limit 3 hatchery steelhead; minimum length 20 inches.~~~~(vii) Salmon and steelhead:~~~~(A) Open March 16 through October 31.~~~~(B) Daily limit 6; no more than 2 salmon, or 2 hatchery steelhead, or one of each, may be retained.~~~~(C) Release wild Chinook and wild coho.~~~~(c) From 400 feet below to 100 feet above Shipherd Falls fish ladder: Closed waters.~~~~(d) From 100 feet above Shipherd Falls fish ladder to 400 feet below the Coffey Dam:~~

(i) All tributaries to this section: Closed waters.

(ii) Anti-snagging rule. Only fish hooked inside the mouth may be retained.

(iii) Night closure.

(iv) Open September 16 through November 30:

(A) Catch and release fishing only.

(B) Selective gear rules.

(v) Salmon and steelhead:

(A) Open May 1 through June 30.

(B) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(e) From 400 feet below the Coffey Dam to 100 feet above the Coffey Dam: Closed waters.

(f) From 100 feet above the Coffey Dam to 800 yards downstream from Carson National Fish Hatchery:

(i) All tributaries to this section: Closed waters.

(ii) Anti-snagging rule.

(iii) Only fish hooked inside the mouth may be retained.

(iv) Night closure.

(v) Open September 16 through November 30:

(A) Catch and release fishing only.

(B) Selective gear rules.

(vi) Salmon and steelhead open May 1 through June 30: Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(g) From 800 yards downstream from Carson National Fish Hatchery upstream to Moore Bridge:

(i) All tributaries to this section: Closed waters.

(ii) Open September 16 through November 30.

(iii) Catch and release fishing only.

(iv) Selective gear rules.

(h) From Moore Bridge upstream including all tributaries: Closed waters.

**(80) White Salmon River (Klickitat/Skamania counties):**

(a) From the mouth to the Highway 14 Bridge: Open year-round.

(i) Barbless hooks are required for salmon and steelhead except from March 16 through June 30.

(ii) March 16 through June 30: Night closure.

(iii) March 16 through June 30: Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(iv) March 16 through June 30: Two-pole fishing for salmon/steelhead is permissible so long as the angler possesses a two-pole endorsement.

(v) August 1 through October 31: 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.

(vi) August 1 through October 31: Anti-snagging rule. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(vii) Trout: Open November 1 through March 15; catch and release fishing only.

(viii) Steelhead: Open November 1 through March 15; daily limit 3 hatchery steelhead.

(ix) Salmon and steelhead: Open March 16 through October 31:

(A) Daily limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(B) Release wild Chinook and wild coho.

(b) From the Highway 14 Bridge to 400 feet below Shipherd Falls: Open year-round.

(i) Barbless hooks are required for salmon and steelhead except from March 16 through June 30.

(ii) March 16 through June 30: Night closure.

(iii) May 1 through June 30 and August 1 through October 31: Anti-snagging rule. Only fish hooked inside the mouth may be retained.

(iv) Trout: Catch and release fishing only.

(v) Steelhead: Open November 1 through March 15; daily limit 3 hatchery steelhead.

(vi) Salmon and steelhead: Open March 16 through October 31:

(A) Daily limit 6; no more than 2 salmon, or 2 hatchery steelhead, or one of each, may be retained.

(B) Release wild Chinook and wild coho.

(c) From 400 feet below to 100 feet above Shipherd Falls fish ladder: Closed waters.

(d) From 100 feet above Shipherd Falls fish ladder to 400 feet below the Coffey Dam:

(i) Salmon and steelhead open May 1 through June 30:

(A) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained;

(B) Anti-snagging rule. Only fish hooked inside the mouth may be retained.

(C) Night closure.

(ii) Open September 16 through November 30:

(A) Catch and release fishing only.

(B) Selective gear rules.

(e) From 400 feet below the Coffey Dam to 100 feet above the Coffey Dam: Closed waters.

(f) From 100 feet above the Coffey Dam to 800 yards downstream from Carson National Fish Hatchery:

(i) Salmon and steelhead open May 1 through June 30:

(A) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(B) Anti-snagging rule. Only fish hooked inside the mouth may be retained.

(C) Night closure.

(ii) Open September 16 through November 30:

(A) Catch and release fishing only.

(B) Selective gear rules.

(iii) All tributaries in this section: Closed waters.

(g) From 800 yards downstream from Carson National Fish Hatchery upstream to Moore Bridge: Open September 16 through November 30.

(i) Catch and release fishing only.

(ii) Selective gear rules.

**(81) Winston Creek (tributary to Cowlitz River) (Lewis County): ((a)) Selective gear rules ((apply)).**

**((b) Trout: Minimum length 10 inches.**

**((104)) (82) 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, Wildeat, Chinook, and Calamity creeks: State-wide season, minimum size and limits apply.

~~(106))~~ **(83) Yellowjacket Creek (tributary to Cispus River) (Lewis County):** ~~((a))~~ Selective gear rules ~~((apply: (b) Trout: Minimum length 12 inches))~~.

AMENDATORY SECTION (Amending WSR 17-16-109, filed 7/28/17, effective 8/28/17)

**WAC 220-312-040 Freshwater exceptions to state-wide rules—Puget Sound.** (1) Beaver ponds located within or adjacent to streams that drain into Puget Sound listed as open to trout and other game fish follow the same rules as the adjacent stream.

(2) **County-wide freshwater exceptions to statewide rules:**

(a) Beaver ponds in Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3):

(i) Open the fourth Saturday in April through October 31.

(ii) Trout: No minimum length.

(b) Beaver ponds in Kitsap County and Mason County east of Belfair-Bremerton Highway (S.R. 3):

(i) Open the first Saturday in June through October 31.

(ii) Trout: No minimum length.

(3) ~~((Alder Lake (Thurston County): Kokanee limit 10; kokanee do not count toward the trout daily limit. See also Nisqually River.~~

(4)) **Aldrich Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((5))~~ **(4) Alexander Lake (Kitsap County):** Closed waters.

~~((6) All Creek (Skagit County) (Suitttle River tributary):~~

(a) Open the first Saturday in June through July 31.

(b) Selective gear rules apply.

~~(7) Alma Creek (Skagit County):~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to two hatchery steelhead.

~~(8))~~ **(5) American Lake (Pierce County):** ~~((Chumming is permissible.~~

~~(9))~~ Combined daily limit of trout and kokanee is 5, any length.

**(6) Anderson Creek (Kitsap County):**

(a) ~~((Open the first Saturday in June through October 31.~~

~~(b))~~ Selective gear rules ~~((apply)).~~

~~((e))~~ (b) All species: Catch and release fishing only.

~~((10) Anderson Creek (Whatcom County) (Nooksack River tributary):~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~(11))~~ **(7) Armstrong Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

~~((12) Bacon Creek (Skagit County):~~

(a) Open the first Saturday in June through August 15.

(b) Selective gear rules apply.

~~(c) Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(13) Bacus Creek (Skagit County):~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~(14))~~ **(8) Bainbridge Island - All streams (Kitsap County):**

(a) ~~((Open the first Saturday in June through October 31.~~

~~(b))~~ Selective gear rules ~~((apply)).~~

~~((e))~~ (b) Trout: Daily limit 2; minimum ((size)) length 14 inches.

~~((15))~~ **(9) Baker Lake (Whatcom County):**

(a) ~~((Chumming is permissible.~~

~~(b))~~ Closed waters within a ~~((two hundred))~~ 200 foot radius around the pump discharge at the south end of the lake.

~~((e))~~ (b) Open the fourth Saturday in April through October 31~~((:)).~~

~~((f))~~ (c) Kokanee: Minimum length 8 inches and maximum length 18 inches.

~~((g))~~ (d) Salmon: Open July 8 through September 7.

(i) Sockeye: Daily limit 4; minimum length 18 inches.

(ii) Each angler aboard a vessel may deploy salmon angling gear until the limit for all licensed and juvenile anglers aboard is reached.

~~((16))~~ **(10) Baker River (Skagit/Whatcom County):** From the ~~((Baker River fish barrier dam to the headwaters: Open the first Saturday in June through August 31.~~

~~(17) Baker River: All tributaries and their tributaries, except Channel Creek, from the Baker River fish barrier dam to the headwaters including Shannon and Baker lakes: Open the first Saturday in June through October 31.~~

~~(18))~~ mouth to the Lower Baker Dam: Closed waters.

**(11) Barnaby Slough (Skagit County):** ~~((Closed.~~

~~(19) Beaver Creek (Pierce County) (South Prairie Creek tributary):~~ Open the first Saturday in June through October 31.

~~(20) Beaver Creek (Thurston County) from the mouth to I-5:~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Night closure in effect.

(d) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

~~(21) Beaver Lake (King County):~~ Trout: No more than 2-over 15 inches in length.

~~(22))~~

(a) Open the Saturday before Memorial Day through January 31.

(b) From the Saturday before Memorial Day through July 15:

(i) Anti-snagging rules.

(ii) Night closure.

(c) From July 16 through September 15: It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(d) Salmon:

(i) Open the Saturday before Memorial Day through July 15.

(ii) Daily limit 4 hatchery Chinook only minimum length 12 inches. Only 2 adult hatchery Chinook may be retained as part of the limit.

**(12) Benson Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((23) **Bertrand Creek (Whatcom County) (Nooksack River tributary):**~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

**(24)) (13) Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties):** Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 31 ~~((to juvenile anglers only)).~~

~~((25)) (14) Big Beaver Creek (Whatcom County),~~

**from 1/4 mile upstream of the closed water markers on Ross Lake upstream, including tributary streams and beaver ponds:**

(a) Open July 1 through October 31.

(b) Selective gear rules ~~((apply)).~~

(c) All species: Catch and release fishing only.

~~((26)) (15) Big Beef Creek (Kitsap County):~~

(a) From Seabeck Highway Bridge to Lake Symington:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 31.

(ii) Selective gear rules ~~((apply)).~~

(iii) All species: Catch and release fishing only.

(iv) It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((iv) Catch and release only.)~~

(v) From August 1 through August 31: Closed waters within 100 feet of the Seabeck Highway N.W. Bridge.

(b) From Lake Symington upstream:

~~((Open the first Saturday in June through October 31.~~

~~((ii)) Selective gear rules ((apply)).~~

~~((iii)) (ii) Trout: Catch and release fishing only.~~

~~((27) **Big Creek (Skagit County) (Sniattle River tributary):**~~

(a) From TeePee Falls to the source: Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

**(28)) (16) Big Lake (Skagit County):** Landlocked salmon rules.

**(17) Big Mission Creek (Mason County):**

(a) ~~((Open the first Saturday in June through October 31.~~

~~((b)) Selective gear rules ((apply)).~~

~~((e)) (b) All species: Catch and release fishing only.~~

~~((29)) (18) Big Quilcene River (Jefferson County):~~

(a) From the mouth to Rodgers Street: ~~((+))~~ Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 15.

~~((+)) (i) Selective gear rules ((apply.~~

~~((ii) It is unlawful to fish from a floating device equipped with an internal combustion motor)).~~

~~((iv)) (ii) All species: Catch and release fishing only.~~

(b) From Rodgers Street to the Highway 101 Bridge:

~~((Open the first Saturday in June through October 31.~~

~~((ii) Catch and release only.~~

~~((iii) From the first Saturday in June through August 15:~~

~~((A)) Selective gear rules ((apply)).~~

~~((B)) (ii) All species: Catch and release fishing only.~~

~~((iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

(iv) From August 16 through October 31:

(A) Night closure ~~((in effect)).~~

(B) Anti-snagging rules ~~((applies)).~~

(v) Salmon:

(A) Open August 16 through October 31.

(B) Daily limit 4 coho only; minimum length 12 inches.

~~((vi) Closed waters)) (c) From the Highway 101 Bridge to the weir at Quilcene National Fish Hatchery: Closed waters.~~

~~((e) From the weir at Quilcene National Fish Hatchery to the upper boundary of Falls View campground:~~

~~((i) Open the first Saturday in June through October 31.~~

~~((ii) Selective gear rules apply.~~

~~((iii) Catch and release only.~~

~~((d) From the upper boundary of Falls View campground upstream: Open the Saturday before Memorial Day through October 31.~~

~~((30) **Big Seandia Creek (Kitsap County):**~~

~~((a) Open the first Saturday in June through October 31.~~

~~((b) Selective gear rules apply.~~

~~((c) Trout: Minimum size 14 inches.~~

~~((31)) (19) Big Soos Creek (King County):~~ From the mouth to the hatchery rack:

(a) Open ~~((for game fish the first Saturday in June))~~ the Saturday before Memorial Day through August 31.

(b) Trout: ~~((Minimum length 14 inches, daily limit 2.~~

~~((32) **Bingham Creek (Mason County) (Satsop River tributary):**~~

~~((a) Open the first Saturday in June through October 31.~~

~~((b) Selective gear rules apply.~~

~~((33) **Black Creek (Snohomish County) (South Fork Stillaguamish River tributary):** Open the Saturday before Memorial Day through October 31 from the Bear Creek confluence upstream.~~

~~((34) **Black Lake (Thurston County):** Crappie: Limit 10; minimum length 9 inches.~~

~~((35) **Black Lake Ditch (Thurston County):** From the confluence with Percival Creek upstream to Black Lake.~~

~~((a) Selective gear rules apply.~~

~~((b) Open the first Saturday in June through October 31.~~

~~((c) Trout: Minimum size 14 inches.~~

~~((d) Open November 1 through the Friday before the first Saturday in June: Catch and release only.~~

~~((36)) Daily limit 2, minimum length 14 inches.~~

**(20) Blackjack Creek (Kitsap County):**

(a) ~~((Open the first Saturday in June through October 31.~~

~~((b)) Selective gear rules ((apply)).~~

~~((e)) (b) Trout: Daily limit 2; minimum ((size)) length 14 inches.~~

~~((37) **Blackman's Lake (Snohomish County):** Trout limit 5; no more than 2 over 15 inches in length.~~

~~((38) **Blooms Ditch (Thurston County) (Black River tributary):** From the mouth to I-5:~~

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Night closure in effect.

(d) Trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

~~(39)) (21) Boise Creek (King County) (White River tributary): ((Open the first Saturday in June through October 31 upstream of the Highway 410 crossing.~~

~~(40)) From the mouth to the Highway 410 crossing: Closed waters.~~

~~(22) Bosworth Lake (Snohomish County): Open the fourth Saturday in April through October 31.~~

~~((41) Boulder Creek (Skagit County) (Cascade River tributary):~~

~~(a) Open the first Saturday in June through August 15.~~

~~(b) Selective gear rules apply.~~

~~(c) Catch and release only.~~

~~(42) Boulder River (Snohomish County) (N.F. Stillaguamish River tributary):~~

~~(a) From the mouth to Boulder Falls:~~

~~(i) Open the first Saturday in June through June 30.~~

~~(ii) Selective gear rules apply.~~

~~(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(b) From Boulder Falls upstream: Open the Saturday before Memorial Day through October 31.~~

~~(43) Boxley Creek (North Bend, King County) (Tributary to the South Fork Snoqualmie River): Open the Saturday before Memorial Day through October 31 upstream from the falls located approximately at river mile 0.9.~~

~~(44) Boyle Lake (King County):~~

~~(a) Open the fourth Saturday in April through October 31.~~

~~(b) The inlet and outlet streams to Boyle Lake are closed.~~

~~(45)) (23) Boulder River (Snohomish County) (N.F. Stillaguamish River tributary): From the mouth to Boulder Falls:~~

~~(a) Selective gear rules.~~

~~(b) Release wild trout except eastern brook trout.~~

~~(c) Steelhead: Daily limit 2 hatchery steelhead; minimum length 20 inches.~~

~~(24) Bradley Lake (Pierce County): ((a)) Open ((May 15 through the last day of free fishing weekend, as defined in WAC 220-220-230,)) to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.~~

~~((b) Salmon: Landlocked salmon rules apply.~~

~~(46) Bridges Lake (King County):~~

~~(a) Open the fourth Saturday in April through October 31.~~

~~(b) The inlet and outlet streams to Bridges Lake are closed.~~

~~(47) Buck Creek (Skagit County) (Suiattle River tributary):~~

~~(a) Open the first Saturday in June through July 31 from the upstream boundary of Buck Creek campground.~~

~~(b) Selective gear rules apply.~~

~~(48)) (25) Buck Lake (Kitsap County): Open the fourth Saturday in April through October 31.~~

~~((49)) (26) Burley Creek (Kitsap County):~~

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((e)) (b) Trout: Daily limit 2; minimum length 14 inches.~~

~~((50)) (27) Cady Lake (Mason County):~~

~~(a) ((Open to)) Fly fishing only.~~

~~(b) All species: Catch and release fishing only.~~

~~(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~((e) Catch and release only.~~

~~(51)) (28) Cain Lake (Whatcom County): Open the fourth Saturday in April through October 31.~~

~~((52) California Creek (Whatcom County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(53)) (29) Calligan Lake (King County): ((a) Open June 1 through October 31.~~

~~(b) All tributary streams and the upper third of the outlet are closed.~~

~~(e)) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.~~

~~((54) Camp Creek (Snohomish County) (Whitechuck River tributary):~~

~~(a) Open the first Saturday in June through July 31.~~

~~(b) Selective gear rules apply.~~

~~(55)) (30) Campbell Creek (Mason County):~~

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((e)) (b) Trout: Catch and release fishing only.~~

~~((56)) (31) Campbell Lake (Skagit County): Grass carp: No daily limit for anglers and bow and arrow fishing allowed.~~

~~((57) Canyon Creek (Snohomish County) (Suiattle River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(58)) (32) Canyon Creek (Snohomish County) (S.F. Stillaguamish River):~~

~~(a) From the mouth to the forks (North Fork and South Fork).~~

~~(i) Open the ((first) Saturday ((in June)) before Memorial Day through ((June 30 from the mouth to the forks)) January 31.~~

~~((b)) (ii) Selective gear rules ((apply)).~~

~~((e) Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(59) Canyon Creek (Whatcom County) (North Fork Nooksack River):~~

~~(a) Open the Saturday before Memorial Day through October 31 from Canyon Creek Road Bridge upstream, including tributaries.~~

~~(b) Selective gear rules apply.~~

~~(60)) (iii) All species except steelhead: Catch and release fishing only.~~

~~(iv) Steelhead: Daily limit 2 hatchery steelhead; minimum length 20 inches.~~

~~(b) From the forks (North Fork and South Fork) upstream: Closed waters.~~

~~(33) Capitol Lake (Thurston County): Closed waters.~~

~~((61)) (34) Carbon River (Pierce County):~~

~~(a) From the mouth to Voight Creek:~~

~~(i) ((Open September 1 through January 15.~~



- (~~iii~~) From September 1 through November 30:  
 (~~A~~) Night closure (~~in effect and~~).  
 (~~B~~) Anti-snagging rules (~~applies~~).  
 (~~iii~~) (ii) Trout:  
 (A) Open September 1 through November 30 (~~Minimum length 14 inches~~).  
 (B) (~~From~~) Daily limit 2; minimum length 14 inches.  
 (iii) All game fish: Open December 1 through January 15:  
 (~~H~~) (~~A~~) Selective gear rules (~~apply~~).  
 (~~II~~) Release all fish except anglers may retain up to 2 hatchery steelhead: (~~B~~) All species except steelhead: Catch and release fishing only.  
 (iv) Steelhead: Open December 1 through January 15; daily limit 2 hatchery steelhead; minimum length 20 inches.  
 (v) Salmon:  
 (A) Open September 1 through November 30.  
 (B) Daily limit 6 fish of which no more than 2 may be adult hatchery Chinook, minimum length 12 inches.  
 (C) Release chum and wild adult Chinook salmon.  
 (b) From Voight Creek to the Highway 162 Bridge:  
 (i) Open from December 1 through January 15.  
 (ii) Selective gear rules (~~apply~~).  
 (iii) (~~Release all fish except anglers may retain up to 2 hatchery steelhead.~~  
 (~~62~~) All species except steelhead: Catch and release fishing only.  
 (iv) Steelhead: Daily limit 2 hatchery steelhead; minimum length 20 inches.  
 (35) **Carney Lake (Pierce County):**  
 (a) Open the fourth Saturday in April through (~~June 30 and September 1 through November 30~~) October 31.  
 (b) (~~It is unlawful to fish from a floating device equipped with an internal combustion motor.~~  
 (~~e~~) Salmon: Landlocked salmon rules (~~apply~~).  
 (~~63~~) **Carson Lake (Mason County):** Open the fourth Saturday in April through October 31.  
 (~~64~~) (36) **Cascade Creek (San Juan County):**  
 (a) (~~Open the first Saturday in June through October 31 from the mouth to Cascade Lake.~~  
 (~~b~~) From the mouth to Cascade Lake.  
 (b) Selective gear rules (~~apply~~).  
 (c) (~~Release all fish except anglers may retain eastern brook trout.~~  
 (~~65~~) All species: Catch and release fishing only except anglers may retain eastern brook trout.  
 (37) **Cascade Lake (San Juan County):** Open the fourth Saturday in April through October 31.  
 (~~66~~) (38) **Cascade River (Skagit County):**  
 (a) From the mouth to the Rockport-Cascade Road Bridge:  
 (i) Open June 1 through July 15 and (~~December 15~~) September 16 through January 31:  
 (A) June 1 through July 15: Anti-snagging rules (~~applies~~) and night closure (~~in effect June 1 through July 15~~).  
 (B) Trout: Daily limit 2; minimum length 14 inches. Anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.  
 (ii) Salmon:

- (A) Open June 1 through July 15:  
 (B) Up to 4 hatchery Chinook may be retained; only 2 hatchery Chinook may be adults; minimum length 12 inches.  
 (C) Release all other salmon.  
 (b) From the Rockport-Cascade Road Bridge upstream:  
 (i) Open (~~the first Saturday in~~) June 1 through (July 15 and December 15 through) January 31.  
 (ii) Selective gear rules (~~apply~~).  
 (iii) (~~Release all fish except anglers may retain up to 2 hatchery steelhead.~~  
 (~~67~~) **Cavanaugh Creek (Whateom County) and all tributaries:** Open the Saturday before Memorial Day through October 31 upstream from where Cavanaugh Creek first flows into Whateom County, 0.4 lineal miles from its confluence with the South Fork Nooksack River.  
 (~~68~~) **Cavanaugh Lake (Skagit County):** Chumming is permissible.  
 (~~69~~) **Cayada Creek (Pierce County) (Carbon River tributary):** Open the first Saturday in June through September 30.  
 (~~70~~) **Cedar Creek (Mason County):** Open the Saturday before Memorial Day through October 31.  
 (~~71~~) All species except steelhead: Catch and release fishing only.  
 (iv) Steelhead: Daily limit 2 hatchery steelhead; minimum length 20 inches.  
 (39) **Cedar River (King County):**  
 (a) From the mouth to Landsburg Road:  
 (i) Open (~~for game fish~~) the (~~first~~) Saturday (~~in June~~) before Memorial Day through August 31 (~~from the mouth to Landsburg Road~~).  
 (~~i~~) Trout: Catch and release only.  
 (~~ii~~) Other game fish: Statewide minimum size/daily limit.  
 (~~b~~) (ii) Selective gear rules (~~apply and~~).  
 (iii) Night closure.  
 (iv) Trout: Catch and release fishing only.  
 (~~e~~) (v) It is unlawful to fish from a floating device equipped with an internal combustion motor.  
 (~~72~~) (b) From Landsburg Bridge upstream to the falls: Closed waters.  
 (40) **Chain Lake (Snohomish County):**  
 (a) Selective gear rules (~~apply~~).  
 (b) Trout: Daily limit 2; minimum length 14 inches.  
 (~~73~~) (41) **Chambers Creek (Pierce County):**  
 (a) From the mouth (Burlington Northern Bridge) to the markers 400 feet below the Boise-Cascade Dam (~~Pierce County~~):  
 (i) Selective gear rules (~~apply~~), except bait is permissible September 1 through October 15.  
 (ii) Open (~~July 1~~) the Saturday before Memorial Day through November 15 for game fish and salmon.  
 (iii) Night closure (~~in effect and~~).  
 (iv) Anti-snagging rules (applies).  
 (~~iv~~) (v) Trout: Catch and release fishing only.  
 (~~v~~) (vi) Salmon:  
 (A) Limit 6 fish of which no more than 4 may be adult salmon; minimum length 12 inches.  
 (B) Release wild coho.  
 (b) From Boise-Cascade Dam to Steilacoom Lake:

(i) ~~((Open July 1 through October 31.~~  
 (ii) ~~Night closure in effect and))~~ Selective gear rules ~~((apply)).~~

~~((iii)) (ii) Night closure.~~

~~(iii) Trout: Daily limit 2; minimum ((size)) length 14 inches.~~

~~((74)) (42) Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County):~~

~~(a) Selective gear rules ((apply)).~~

~~(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(c) Trout: Catch and release fishing only.~~

~~((75)) (43) Channel Creek ((Skagit)) Whatcom County) (Baker River tributary): Open the ((first)) Saturday ((in June)) before Memorial Day through August 31.~~

~~((76)) (44) Chaplain Creek (Snohomish County) (Sultan River tributary): ((a) Above the falls near the mouth to the inlet to the beaver pond (Grass Lake) below the water filtration plant gate, including tributaries and beaver ponds: Open the Saturday before Memorial Day through October 31.~~

~~(b)) Waters adjacent to the water filtration plant, from the inlet to the beaver pond (Grass Lake) below the water filtration plant gate to the waterfall approximately .4 miles upstream: Closed waters.~~

~~((c) Above the waterfall located approximately .4 miles upstream of the water filtration plant gate, including tributaries and beaver ponds: Open the Saturday before Memorial Day through October 31.~~

~~(77) Chaplain Lake (Snohomish County): Closed.~~

~~(78)) (45) Cherry Creek (King/Snohomish County) (tributary to the Snoqualmie River): ((Open the Saturday before Memorial Day through October 31 above Cherry Creek Falls (located at river mile 9.3, approximately 1 mile upstream of Stossel/Kelly Rd), including all tributaries and beaver ponds.~~

~~(79) Chilliwaek River (Whatcom County): Open the first Saturday in June through October 31, including all tributaries and their tributaries.~~

~~(80)) From the mouth to Cherry Creek Falls: Selective gear rules.~~

~~(46) Chico Creek (Kitsap County):~~

~~(a) Selective gear rules.~~

~~(b) Trout: Daily limit 2; minimum length 14 inches.~~

~~(47) Church Creek (Mason County): ((Open the Saturday before Memorial Day through October 31 upstream of the bridge on U.S. Forest Service Road #2361.~~

~~(81) Clarks Creek (Pierce County):~~

~~(a) Open the first Saturday in June through August 31 from the mouth to 12th Avenue S.W.~~

~~(b) Selective gear rules apply.~~

~~(c) Trout: Limit 2; minimum length 14 inches.~~

~~(82) Clear Creek (Snohomish County) (Sauk River tributary): Open the Saturday before Memorial Day through October 31 above Asbestos Creek Falls.~~

~~(83)) From the mouth to the bridge on U.S. Forest Service Road #2361: Closed waters.~~

~~(48) Clear Creek (Kitsap County):~~

~~(a) Selective gear rules.~~

~~(b) Trout: Daily limit 2; minimum length 14 inches.~~

~~(49) Clear Lake (Pierce County): ((a)) Open the fourth Saturday in April through October 31.~~

~~((b) Chumming is permissible.~~

~~(c) Kokanee: Limit 10; no size restrictions.~~

~~(d) Salmon: Landlocked salmon rules apply.~~

~~(84)) (50) Clear Lake (Thurston County): Open the fourth Saturday in April through October 31.~~

~~((85)) (51) Clearwater River (Pierce County):~~

~~(a) ((Open July 1 through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((c)) (b) Trout: Daily limit 2; minimum length 14 inches.~~

~~((86)) (52) Clover Creek (Pierce County): ((a) Open July 1 through October 31 upstream of Steilacoom Lake, including all tributaries.~~

~~(b) Selective gear rules apply.~~

~~(c) Trout: Minimum length 14 inches.~~

~~(87) Coal Creek (tributary of Lake Washington) (King County): Open the first Saturday in June through August 31 to juvenile anglers only.~~

~~(88) Coal Creek (near Snoqualmie) (King County):~~

~~(a) From the mouth to Highway I-90:~~

~~(i) Open the fourth Saturday in April through October 31 to juvenile anglers only.~~

~~(ii) Trout: No minimum length.~~

~~(b) From Highway I-90 upstream: Open the Saturday before Memorial Day through October 31.~~

~~(89) Copper Creek (Snohomish County) (Clear Creek tributary, a tributary of Sauk River): Open the Saturday before Memorial Day through October 31.~~

~~(90)) From the mouth upstream to Steilacoom Lake: Closed waters.~~

~~(53) Cottage Lake (King County): Open the fourth Saturday in April through October 31.~~

~~((91)) (54) Coulter Creek (Kitsap/Mason counties):~~

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((c)) (b) Trout: Catch and release fishing only.~~

~~((92)) (55) County Line Ponds (Skagit County): Closed waters.~~

~~((93)) (56) Crabapple Lake (Snohomish County): Open the fourth Saturday in April through October 31.~~

~~((94)) (57) Cranberry Creek (Mason County):~~

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((c)) (b) Trout: Catch and release fishing only.~~

~~((95)) (58) Crescent Creek (Kitsap County):~~

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((c)) (b) Trout: Daily limit 2; minimum ((size)) length 14 inches.~~

~~((96)) (59) Crescent Lake (Pierce County): Open the fourth Saturday in April through October 31.~~

~~((97) Cumberland Creek (Whatcom County): Open the Saturday before Memorial Day through October 31 upstream from the USFS 17 Road Bridge located 0.7 lineal miles from its confluence with the Skagit River, including all tributaries.~~

~~(98)) (60) Crocker Lake (Jefferson County): Closed to trout fishing.~~

~~(61)~~ **Dakota Creek (Whatcom County):** From the mouth to Giles Road Bridge.

(a) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through December 31 ~~((from the mouth to Giles Road Bridge)).~~

(b) Selective gear rules ~~((apply)).~~

(c) Salmon:

(i) Open October 1 through December 31.

(ii) Daily limit 2 salmon; minimum length 12 inches.

(iii) Release wild Chinook and wild coho.

~~((99))~~ **(62) De Coursey Pond (Pierce County):** ~~((a))~~  
Open the fourth Saturday in April through ~~((November 30))~~  
October 31 to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((b))~~ Salmon: Landlocked salmon rules apply.

~~(100)~~ **Decker Creek (Mason County) (Satsop River tributary):**

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(101))~~ **(63) Deer Creek (Mason County):**

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b))~~ Selective gear rules ~~((apply)).~~

~~((e))~~ (b) Trout: Catch and release fishing only.

~~((102))~~ **(64) Deer Creek (Snohomish/Skagit counties) (Tributary to the N.F. Stillaguamish) and all tributaries:** Closed waters.

**(65) Deer Lake (Island County):** Open the fourth Saturday in April through October 31.

~~((103))~~ **(66) Deer Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((104)~~ **Dempsey Creek (Thurston County) (Black River tributary):**

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(105))~~ **(67) Deschutes River (Thurston County):**

(a) From Old Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park:

(i) Selective gear rules ~~((apply)),~~ except bait is allowed September 1 through October 15.

(ii) ~~((Trout: Open year-round;))~~ All species: Catch and release fishing only.

(iii) ~~((All other game fish: Open the first Saturday in June through October 15.~~

~~(iv))~~ Salmon:

(A) Open July 1 through October 15.

(B) Limit 6; no more than 2 adult salmon may be retained.

(C) Release coho.

(b) From Henderson Boulevard Bridge upstream:

(i) ~~((Open year-round.~~

~~(ii))~~ Selective gear rules ~~((apply)).~~

~~((iii))~~ (i) Trout: Catch and release fishing only.

~~((iv))~~ (ii) Salmon:

(A) Open July 1 through October 15.

(B) Limit 6; no more than 2 adult salmon may be retained.

(C) Release coho.

~~((106))~~ **(68) Devereaux Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((107))~~ **(69) Dewatto River (Mason County):**

(a) From the mouth to Dewatto-Holly Road Bridge:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 15 and October 1 through October 31.

(ii) Selective gear rules ~~((apply)).~~

~~((iii))~~ ~~((It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(iv))~~ October 1 through October 31: Night closure ~~((in effect)).~~

~~((v))~~ (iv) Game fish: Catch and release fishing only.

~~((vi))~~ (v) No steelhead retention.

~~((vii))~~ (vi) Salmon:

(A) Open October 1 through October 31.

(B) Limit 2 coho only.

(b) From Dewatto-Holly Road Bridge upstream:

~~(i) ((Open the first Saturday in June through October 31.~~

~~(ii))~~ Selective gear rules ~~((apply)).~~

~~((iii))~~ (ii) All species: Catch and release fishing only.

~~((108)~~ **Diobsud Creek (Skagit County):**

~~(a) Open the first Saturday in June through August 15.~~

~~(b) Selective gear rules apply.~~

~~(c) Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(109))~~ **(70) Dogfish Creek (Kitsap County):**

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b))~~ Selective gear rules ~~((apply)).~~

~~((c))~~ (b) Trout: Daily limit 2; minimum ((size)) length 14 inches.

~~((110))~~ **(71) Don Lake (also known as "Clara Lake") (Mason County):** Open the fourth Saturday in April through October 31.

~~((111))~~ **(72) Dosewallips River (Jefferson County):**

(a) From the mouth to Highway 101 Bridge:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ 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))~~ All species: Catch and release ((all game fish)) fishing only.

~~((v))~~ (iv) Salmon:

(A) Open November 1 through December 15.

(B) Limit 2 chum only.

(b) From Highway 101 Bridge to Olympic National Park boundary about three-quarters of a mile downstream of the falls:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ 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))~~ All species: Catch and release ((all game fish)) fishing only.

~~((112)~~ **Downey Creek (Snohomish County) (Suittie River tributary):**

~~(a) Open the first Saturday in June through July 31.~~

~~(b) Selective gear rules apply.~~

~~(113))~~ **(73) Duckabush River (Jefferson County):**

(a) From the mouth to Mason County PUD #1 overhead distribution line:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ 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)))~~ All species: Catch and release ~~((all game fish))~~ fishing only.

~~((v))~~ No steelhead retention.

~~((vi)))~~ (iv) Salmon:

(A) Open November 1 through December 15.

(B) Daily limit 2 chum only.

(b) From Mason County PUD #1 overhead distribution line to the Olympic National Park boundary:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ 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)))~~ All species: Catch and release fishing only.

~~((114))~~ **Dyes Inlet (Kitsap County):**

(a) Open the first Saturday in June through October 31 for all streams.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

~~((115))~~ **Eaton Creek (Thurston County) (Lake St. Clair tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((116))~~ (74) **Echo Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

~~((117))~~ (75) **Egdon Creek (Kitsap County):**

(a) ~~((Open the first Saturday in June through October 31.~~

~~((b)))~~ Selective gear rules ~~((apply))~~.

~~((c))~~ (b) Trout: Daily limit 2; minimum ~~((size))~~ length 14 inches.

~~((118))~~ (76) **Elson Creek (Thurston County):** Closed waters.

(77) **Erie Lake (Skagit County):** Open the fourth Saturday in April through October 31.

~~((119))~~ **Evans Creek (Pierce County) (Carbon River tributary):** Open the first Saturday in June through September 30 from Carbon River Fairfax Road upstream.

(120) **Falls Creek (Snohomish County) (Sauk River tributary):** From the falls located 0.4 mile upstream from the mouth to the headwaters: Open the Saturday before Memorial Day through October 31.

~~((121))~~ (78) **Fazon Lake (Whatcom County):** ~~((a))~~ It is unlawful to fish from any floating device from the first Friday in October through January 27.

(b) Channel catfish: Limit 2.

~~((122))~~ Open from March 1 through September 30.

(79) **Finch Creek (Mason County):** Anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card may fish from the ADA accessible site at the Hoodspout Salmon Hatchery, so long as those anglers follow all applicable rules of the adjoining waters of Marine Area 12.

~~((123))~~ (80) **Finney Creek (Skagit County)** ~~((including all tributaries from upstream of))~~ from the mouth up to the USFS 17 road bridge: ~~((Open the Saturday before Memorial Day through October 31))~~ Closed waters.

~~((124))~~ (81) **Fisher Creek Slough ((Snohomish) Skagit County):** ~~((a))~~ Open the first Saturday in June through October 31 from the mouth to the I-5 Bridge.

~~((b)))~~ From the mouth to the I-5 Bridge. Trout: Daily limit 2; minimum length 14 inches.

~~((125))~~ **Fishtrap Creek (Whatcom County):** Open from Kok Road to Bender Road from the first Saturday in June through October 31 for juvenile anglers only.

(126) **Fiske Creek (Pierce County) (Puyallup River tributary):** Open upstream from Fiske Road from the first Saturday in June through August 31 and October 16 through October 31.

(127)) (82) **Fortson Mill Pond #2 (Snohomish County):** Open the fourth Saturday in April through October 31 for juvenile anglers only.

~~((128))~~ **Found Creek (Skagit County) (Cascade River tributary):**

(a) Open the first Saturday in June through July 31.

(b) Selective gear rules apply.

(c) Catch and release only.

~~((129))~~ **Fox Creek (Pierce County) (Puyallup River tributary):** Open upstream from Fiske Road East from the first Saturday in June through August 31 and October 16 through October 31.

~~((130))~~ **Friday Creek (Whatcom County) (Samish River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((131))~~ (83) **Fulton Creek (Mason County):** ~~((a))~~ From the mouth to falls at river mile 0.8:

~~((i))~~ Open the first Saturday in June through October 31.

~~((ii))~~ (a) Selective gear rules ~~((apply))~~.

~~((iii))~~ (b) All species: Catch and release fishing only.

~~((b))~~ From the falls at river mile 0.8 upstream: Open the Saturday before Memorial Day through October 31.

~~((132))~~ **Gale Creek (Pierce County) (South Prairie Creek tributary):** Open upstream of the confluence with Wilkeson Creek from the first Saturday in June through October 31.

(133) **Gamble Creek (Kitsap County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(134)) (84) **Geneva Lake (King County):** Open the fourth Saturday in April through October 31.

~~((135))~~ (85) **Gibbs Lake (Jefferson County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Daily limit 1; minimum length 18 inches.

(86) **Gissberg Pond, North (Snohomish County):** Open for juvenile anglers only.

~~((136))~~ **Gissberg Ponds (Snohomish County):** Channel catfish limit 2; no minimum size.

~~((137))~~ (87) **Goldsborough Creek and all tributaries (Mason County):**

- (a) ~~((Open the first Saturday in June through October 31. (b)))~~ Selective gear rules ~~((apply))~~.  
~~((e))~~ (b) Trout: Catch and release fishing only.  
~~((138) Goodell Creek (Skagit County):~~  
(a) ~~Open the first Saturday in June through August 15.~~  
(b) ~~Selective gear rules apply.~~  
(c) ~~Release all fish except anglers may retain up to 2 hatchery steelhead.~~
- ~~(139) Goodman Creek (Skagit County) above the Mountain Loop Highway: Open Saturday before Memorial Day through October 31.~~
- ~~(140) Goodwin Lake (Snohomish County): Chumming is permissible.~~
- (141)) (88) Goss Lake (Island County): Open the fourth Saturday in April through October 31.
- ~~((142) Grade Creek (Snohomish County) (Suittle River tributary):~~  
(a) ~~Open the first Saturday in June through October 31.~~  
(b) ~~Selective gear rules apply.~~  
(143)) (89) Gorst Creek (Kitsap County):  
(a) Selective gear rules.  
(b) Trout: Daily limit 2; minimum length 14 inches.
- (90) Granite Lakes (near Marblemount) (Skagit County): Grayling: Catch and release fishing only.
- ~~((144)) (91) Grass Lake (Mason County): Open the fourth Saturday in April through October 31.~~
- ~~((145)) (92) Green (Duwamish) River (King County):~~  
(a) From an east-west line extending through the southernmost tip of Harbor Island to the First Avenue South Bridge:  
(i) Open for game fish the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through July 31: Trout: Daily limit 2; minimum length 14 inches~~((; daily limit 2))~~.  
(ii) In years ending in odd numbers, open for game fish and salmon August 20 through December 31:  
(A) Anti-snagging rules ~~((applies))~~.  
(B) Night closure ~~((in effect))~~.  
(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.  
(I) Release Chinook.  
(II) Salmon minimum length 12 inches.  
(III) Trout: Daily limit 2; minimum length 14 inches~~((; daily limit 2))~~.  
(iii) In years ending in even numbers, open for game fish and salmon September 1 through December 31:  
(A) Anti-snagging rules ~~((applies))~~.  
(B) Night closure ~~((in effect))~~.  
(C) Daily limit 6 salmon of which no more than 3 adults may be retained.  
(I) Release Chinook.  
(II) Salmon minimum length 12 inches.  
(III) Trout: Daily limit 2; minimum length 14 inches~~((; daily limit 2))~~.  
(b) From the First Avenue South Bridge to Tukwila International Boulevard/Old Highway 99:  
(i) Open for game fish the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through July 31: Trout: Daily limit 2; minimum length 14 inches~~((; daily limit 2))~~.

- (ii) In years ending in odd numbers, open for game fish and salmon August 20 through December 31:  
(A) Anti-snagging rules ~~((applies))~~.  
(B) Night closure ~~((in effect))~~.  
(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.  
(I) Release Chinook.  
(II) Salmon minimum length 12 inches.  
(III) Trout: Daily limit 2; minimum length 14 inches~~((; daily limit 2))~~.  
(D) In years ending in even numbers, open for game fish and salmon September 1 through December 31:  
(I) Anti-snagging rules ~~((applies))~~.  
(II) Night closure ~~((in effect))~~.  
(III) Daily limit 6 salmon of which no more than 3 adults may be retained.  
(iii) Release Chinook.  
(iv) Salmon minimum length 12 inches.  
(v) Trout: Daily limit 2; minimum length 14 inches~~((; daily limit 2))~~.  
(c) From Tukwila International Boulevard/Old Highway 99 to the Interstate 405 Bridge:  
(i) Open for game fish the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through July 31: Trout: Daily limit 2; minimum length 14 inches~~((; daily limit 2))~~.  
(ii) In years ending in odd numbers: Open for salmon and game fish August 20 through December 31:  
(A) Anti-snagging rules ~~((applies))~~.  
(B) Night closure ~~((in effect))~~.  
(iii) In years ending in odd numbers, open for game fish and salmon August 20 through December 31:  
(A) Anti-snagging rules ~~((applies))~~.  
(B) Night closure ~~((in effect))~~.  
(iv) August 20 through August 31: Release Chinook.  
(v) September 1 through December 31: Only one Chinook may be retained.  
(A) Salmon minimum length 12 inches.  
(B) Trout: Daily limit 2; minimum length 14 inches~~((; daily limit 2))~~.  
(vi) In years ending in even numbers, open for game fish and salmon September 1 through December 31:  
(A) Anti-snagging rules ~~((applies))~~.  
(B) Night closure ~~((in effect))~~.  
(C) Daily limit 6 salmon of which no more than 3 adults may be retained.  
(I) Release Chinook.  
(II) Salmon: Minimum length 12 inches.  
(III) Trout: Daily limit 2; minimum length 14 inches~~((; daily limit 2))~~.  
(d) From the Interstate 405 Bridge to South 277th Street Bridge in Auburn:  
(i) Open for game fish the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through July 31. Trout: Daily limit 2; minimum length 14 inches~~((; daily limit 2))~~.  
(ii) In years ending in odd numbers, open for game fish and salmon September 1 through December 31:  
(A) Anti-snagging rules ~~((applies))~~.  
(B) Night closure ~~((in effect))~~.

(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.

(I) Release Chinook.

(II) Salmon: Minimum length 12 inches.

(D) Trout: Daily limit 2; minimum length 14 inches(; ~~daily limit 2).~~

(iii) In years ending in even numbers, open for game fish and salmon October 1 through December 31:

(A) Anti-snagging rules ~~((in effect))~~.

(B) Night closure ~~((in effect))~~.

(C) Daily limit 6 salmon of which no more than 3 adults may be retained.

(I) Release Chinook.

(II) Salmon: Minimum length 12 inches.

(D) Trout: Daily limit 2; minimum length 14 inches(; ~~daily limit 2).~~

(e) From the South 277th Street Bridge to the Auburn-Black Diamond Road Bridge:

(i) Open for game fish the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 15: Trout: Daily limit 2; minimum length 14 inches(; ~~daily limit 2).~~

(ii) In years ending in odd numbers, open for game fish and salmon September 16 through December 31:

(A) Anti-snagging rules ~~((in effect))~~.

(B) Night closure ~~((in effect))~~.

(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.

(I) Release Chinook.

(II) Salmon: Minimum length 12 inches.

(D) Trout: Daily limit 2; minimum length 14 inches(; ~~daily limit 2).~~

(iii) In years ending in even numbers, open for game fish and salmon October 16 through December 31:

(A) Anti-snagging rules ~~((in effect))~~.

(B) Night closure ~~((in effect))~~.

(C) Daily limit 6 salmon of which no more than 3 adults may be retained.

(I) Release Chinook.

(II) Salmon: Minimum length 12 inches.

(D) Trout: Daily limit 2; minimum length 14 inches(; ~~daily limit 2).~~

(f) From the Auburn-Black Diamond Road Bridge to the mouth of Cristy Creek (at Flaming Geyser State Park):

(i) Closed waters within 150 feet of the mouth of Keta (Crisp) Creek.

(ii) Open for game fish the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through September 15: Trout: Daily limit 2; minimum length 14 inches(; ~~daily limit 2).~~

(iii) Open for game fish and salmon November 1 through December 31:

(A) Anti-snagging rules ~~((in effect))~~.

(B) Night closure ~~((in effect))~~.

(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.

(I) Release Chinook.

(II) Salmon: Minimum length 12 inches.

(D) Trout: Daily limit 2; minimum length 14 inches(; ~~daily limit 2).~~

(g) From the mouth of Cristy Creek (at Flaming Geyser State Park) to the water pipeline walk bridge (1/2 mile downstream of Tacoma Headworks Dam):

(i) Closed waters within 150 feet of the Palmer Pond outlet rack.

(ii) Open for game fish the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through October 31: Trout: Daily limit 2; minimum length 14 inches(; ~~daily limit 2).~~

(iii) Open for game fish and salmon November 1 through December 31:

(A) Anti-snagging rules ~~((in effect))~~.

(B) Night closure ~~((in effect))~~.

(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.

(I) Release Chinook.

(II) Salmon: Minimum length 12 inches.

(D) Trout: Daily limit 2; minimum length 14 inches(; ~~daily limit 2).~~

(h) From Friday Creek upstream, including all tributaries and their tributaries: ~~((+))~~ Open for game fish the Saturday before Memorial Day through October 31.

~~((ii)) Trout: Statewide minimum size/daily limit.~~

~~(146)) (93) Greenwater River (King County): ((+))~~

From the mouth to Greenwater Lakes:

~~((+)) (a) Open November 1 through January 31.~~

~~((ii)) Release all fish except whitefish.~~

~~((iii)) (b) All species except whitefish: Catch and release fishing only.~~

~~(c) Whitefish gear rules ((apply)).~~

~~((b) From Greenwater Lakes upstream: Open the first Saturday in June through August 31 and October 16 through October 31.~~

~~(147)) (94) Grovers Creek (Kitsap County):~~

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((+)) (b) Trout: Daily limit 2; minimum ((size)) length 14 inches.~~

~~((148)) (95) Hamma Hamma River (Mason~~

~~County): ((+)) From the mouth to 400 feet below the falls:~~

~~((+)) (a) Open the ((first)) Saturday ((in June)) before Memorial Day through August 31.~~

~~((ii)) (b) Selective gear rules ((apply)).~~

~~((iii)) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(iv)) (c) All species: Catch and release fishing only.~~

~~((b) From the falls upstream: Open the Saturday before Memorial Day through October 31.~~

~~(149)) (96) Hancock Lake (King County): ((+)) Open the fourth Saturday in April through October 31.~~

~~(b) All tributary streams and the upper third of the outlet are closed.~~

~~(+)) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.~~

~~((150) Hansen Creek (Skagit County): Including all tributaries and their tributaries:~~

~~(a) Open the first Saturday in June through August 31.~~

~~(b) Selective gear rules apply.~~

~~(151) Harrison Slough (Skagit County): Open the first Saturday in June through October 31.~~

~~(152) Hatchery Lake (Mason County):~~ Open the fourth Saturday in April through October 31.

~~(153)) (97) Harvey Creek (Snohomish County):~~ Closed waters.

~~(98) Haven Lake (Mason County):~~ Open the fourth Saturday in April through October 31.

~~((154)) (99) Heart Lake (near Anacortes) (Skagit County):~~ Open the fourth Saturday in April through October 31.

~~((155)) (100) Heins Lake (Kitsap County):~~ Closed waters.

~~((156)) (101) Hicks Lake (Thurston County):~~ Open the fourth Saturday in April through October 31.

~~((157) Hilt Creek (Skagit County) (Sauk River tributary) and all connected tributaries and beaver ponds above the falls (located 0.2 miles above the Highway 530 crossing):~~ Open the Saturday before Memorial Day through October 31.

~~(158)) (102) Horseshoe Lake (Jefferson County):~~

~~(a) Selective gear rules.~~

~~(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(c) Trout: Daily limit 1; minimum length 18 inches.~~

~~(103) Horseshoe Lake (Kitsap County):~~ ~~((a))~~ Open the fourth Saturday in April through October 31.

~~((b) Salmon: Landlocked salmon rules apply.~~

~~(159) Howard Creek (Whatcom County):~~ Open the Saturday before Memorial Day through October 31 upstream from where Howard Creek flows into Section 13 of Township 36N, Range 6E, 0.3 lineal miles upstream from the South Fork Nooksack River, including all tributaries.

~~(160)) (104) Howard Lake (Snohomish County):~~ Open the fourth Saturday in April through October 31.

~~((161)) (105) Howell Lake (Mason County):~~ Open the fourth Saturday in April through October 31.

~~((162)) (106) Hozomeen Lake (Whatcom County):~~

~~(a) Open July 1 through October 31.~~

~~(b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.~~

~~((163) Hylebos Creek (Pierce County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(c) Trout: Minimum length 14 inches.~~

~~(164) Illabot Creek (Skagit County):~~

~~(a) Open the first Saturday in June through August 15.~~

~~(b) Selective gear rules apply.~~

~~(165)) (107) Illahee Creek (Kitsap County):~~

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((e)) (b) Trout: Daily limit 2; minimum ((size)) length 14 inches.~~

~~((166)) (108) Issaquah Creek (King County):~~ Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 31 ~~((for juvenile anglers only.~~

~~(167) Jackman Creek (Skagit County):~~ Open the Saturday before Memorial Day through October 31 from the falls located 0.7 miles above Highway 20 upstream).

~~((168)) (109) Jackson Lake (Pierce County):~~ Open the fourth Saturday in April through October 31.

~~((169) Jefferson Creek (Mason County):~~ Open the Saturday before Memorial Day through October 31.

~~(170)) (110) Jennings Park Pond (Snohomish County):~~ Open ~~((the fourth Saturday in April through October 31))~~ for juvenile anglers ~~((only)), senior anglers and anglers with a disability who possess a designated harvester companion card.~~

~~((171)) (111) Jimmy-come-lately Creek (Clallam County):~~ From the mouth to the confluence with East Fork.

~~(a) Open the Saturday before Memorial Day through August 31.~~

~~(b) Selective gear rules.~~

~~(c) All species: Catch and release fishing only.~~

~~(112) Johns Creek (Mason County):~~

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((e)) (b) Trout: Catch and release fishing only.~~

~~((172) Johnson Creek (Thurston County) (Skookumehuck River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(173) Johnson Creek (Whatcom County):~~ Open the first Saturday in June through October 31 from the Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas for juvenile anglers only.

~~(174) Jones Creek (Skagit County):~~ Open the Saturday before Memorial Day through October 31 above the falls located 0.6 miles above Highway 20 upstream.

~~(175) Jordan Creek (Skagit County) (Cascade River tributary):~~

~~(a) Open the first Saturday in June through August 15.~~

~~(b) Selective gear rules apply.~~

~~(176) Jorsted Creek (Mason County):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(c) Catch and release only.~~

~~(177)) (113) Kelsey Creek (tributary of Lake Washington) (King County):~~ Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 31 ~~((for juvenile anglers only)).~~

~~((178)) (114) Kendall Creek (Whatcom County) (N.F. Nooksack tributary):~~ ~~((Open the Saturday before Memorial Day through October 31 above the hatchery grounds.~~

~~(179))~~ From the mouth through the hatchery to the hatchery boundary fence: Closed waters.

~~(115) Kennedy Creek (Mason County):~~

~~(a) From the mouth to Highway 101 Bridge:~~

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through the last day in February.~~

~~(ii) October 1 through December 31:~~

~~(A) Anti-snagging rules ((applies)).~~

~~(B) Night closure ((in effect)).~~

~~(iii) Trout ((minimum length 14 inches)): Catch and release fishing only.~~

~~(iv) Salmon:~~

~~(A) Open October 1 through November 30.~~

~~(B) Limit 6; no more than 2 adults may be retained.~~

~~(C) Release wild coho.~~

(b) From Highway 101 Bridge ~~((to 400 feet below the falls))~~ upstream:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through October 31.

(ii) Selective gear rules ~~((apply))~~.

(iii) Trout: Catch and release fishing only.

(iv) October 1 through October 31:

(A) Anti-snagging rules ~~((applies))~~.

(B) Night closure ~~((in effect))~~.

~~((e))~~ From the falls upstream, including all tributaries:

~~(i) Open the Saturday before Memorial Day through October 31.~~

~~(ii) Selective gear rules apply within the mainstem of Kennedy Creek.~~

~~(180) Kennedy Creek Pond (Thurston County):~~ Open the fourth Saturday in April through October 31.

~~(181))~~ (116) Ki Lake (Snohomish County): Open the fourth Saturday in April through October 31.

~~((182) Kimball Creek (near Snoqualmie) (King County):~~

~~(a) Open the fourth Saturday in April through October 31 for juvenile anglers only.~~

~~(b) Trout: No minimum length.~~

~~(183) Kindy Creek (Skagit County) (Cascade River tributary):~~

~~(a) Open the first Saturday in June through July 31.~~

~~(b) Selective gear rules apply.~~

~~(c) Catch and release only.~~

~~(184) King's Creek (Pierce County) (Puyallup River tributary):~~ Open the first Saturday in June through August 31 and October 16 through October 31.

~~(185))~~ (117) Kings Lake Bog (King County): Closed waters.

~~((186) Klaus Lake (King County):~~

~~(a) Open the fourth Saturday in April through October 31.~~

~~(b) The inlet and outlet to first Weyerhaeuser spur are closed.~~

~~(187))~~ (118) Kitsap Creek (Kitsap County):

~~(a) Selective gear rules.~~

~~(b) Trout: Daily limit 2; minimum length 14 inches.~~

(119) Koeneman Lake (Fern Lake) (Kitsap County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules ~~((apply))~~.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) All species: Catch and release fishing only.

~~((188) Ladder Creek (Skagit County):~~

~~(a) Open the first Saturday in June through August 15.~~

~~(b) Selective gear rules apply.~~

~~(c) Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(189))~~ (120) Langlois Lake (King County): Open the fourth Saturday in April through October 31.

~~((190))~~ (121) LeBar Creek (Mason County): ~~((Open the Saturday before Memorial Day through October 31 from the falls at river mile one upstream.~~

~~(191) Lena Creek (Mason County):~~ Open the Saturday before Memorial Day through October 31.

~~(192))~~ From the mouth to the falls at river mile 1: Closed waters.

(122) Lilliwaup River (Mason County): ~~((a))~~ From the mouth to 200 feet below the falls:

~~((ii))~~ (a) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 31.

~~((iii))~~ (b) Selective gear rules ~~((apply))~~.

~~((iii))~~ It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~(iv))~~ (c) All species: Catch and release fishing only.

~~((b))~~ From the falls upstream: Open the Saturday before Memorial Day through October 31.

~~(193) Lime Creek (Snohomish County) (Suittle River tributary):~~

~~(a) Open the first Saturday in June through July 31.~~

~~(b) Selective gear rules apply.~~

~~(194))~~ (123) Limerick Lake (Mason County): Open the fourth Saturday in April through October 31.

~~((195))~~ (124) Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 31 ~~((for juvenile anglers only)).~~

~~((196) Little Mission Creek (Mason County) from falls upstream:~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(c) Catch and release only.~~

~~(197))~~ (125) Little Quilcene River (Jefferson County): From the mouth to the Little Quilcene River Bridge on Penny Creek Road:

(a) Open the Saturday before Memorial Day through October 31.

(b) From the mouth to the Highway 101 Bridge: Open the Saturday before Memorial Day through August 31.

(c) Selective gear rules.

(d) All species: Catch and release fishing only.

(126) Little Scandia Creek (Kitsap County):

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b))~~ Selective gear rules ~~((apply))~~.

~~((e))~~ (b) Trout: Daily limit 2; minimum ((size)) length 14 inches.

~~((198))~~ (127) Lone Lake (Island County):

(a) Selective gear rules ~~((apply))~~.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Daily limit 1; minimum length 18 inches.

(d) Grass carp: No limit for anglers and bow and arrow fishing.

~~((199))~~ (128) Long's Pond (Thurston County): Open for juvenile anglers ~~((only.~~

~~(200) Lyle Creek (King County) (White River tributary):~~ Open the first Saturday in June through August 31 and October 16 through October 31.

~~(201))~~, senior anglers and anglers with a disability who possess a designated harvester companion card only.

(129) Maggie Lake (Mason County): Open the fourth Saturday in April through ~~((November 30))~~ October 31.

~~((202))~~ (130) Malaney Creek (Mason County):

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b))~~ Selective gear rules ~~((apply))~~.



~~((e))~~ (b) Trout: Catch and release fishing only.

~~((203) **Maple Creek (Whatcom County) (N.F. Nooksack tributary) above Maple Falls:** Open the Saturday before Memorial Day through October 31.~~

~~(204) **Marble Creek (Skagit County) (Cascade River tributary):**~~

~~(a) Open the first Saturday in June through July 31.~~

~~(b) Selective gear rules apply.~~

~~(c) Catch and release only.~~

~~((205)) (131) **Margaret Lake (King County):** Open the fourth Saturday in April through October 31.~~

~~((206) **Marsh Creek (Snohomish County) (Sultan River tributary):** Open the Saturday before Memorial Day through October 31 above the falls, including tributaries and beaver ponds.~~

~~(207)) (132) **Martha Lake (Alderwood Manor) (Snohomish County):** Open the fourth Saturday in April through October 31.~~

~~((208)) (133) **Martha Lake (Warm Beach) (Snohomish County):**~~

~~(a) Selective gear rules ~~((apply))~~.~~

~~(b) Trout: Daily limit 2; minimum length 14 inches.~~

~~((209)) (134) **Mashel River (Pierce County):** Closed waters.~~

~~(135) **May Creek (tributary of Lake Washington) (King County):** Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 31 ~~((for juvenile anglers only))~~.~~

~~((210)) (136) **McAllister Creek (Thurston County):**~~

~~(a) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through ~~((September 30 and November 16 through))~~ November 30.~~

~~(b) ~~((Selective gear rules apply.~~~~

~~~~((e))~~ Trout: Daily limit 2; minimum length 14 inches.~~

~~~~((d))~~ (c) Salmon:~~

~~(i) Open July 1 through ~~((September 30 and November 16 through))~~ November 30.~~

~~(ii) Limit 6; of which no more than 2 may be adults.~~

~~(iii) Release cohort.~~

~~((211)) (137) **McLane Creek (Thurston County):**~~

~~(a) ~~((Open the first Saturday in June through October 31.~~~~

~~~~((b))~~ Selective gear rules ~~((apply))~~.~~

~~~~((e))~~ (b) All species: Catch and release fishing only.~~

~~~~((d))~~ (c) Night closure ~~((in effect))~~.~~

~~((212) **McLane Creek Ponds (Thurston County):** Open the fourth Saturday in April through October 31.~~

~~(213)) (138) **McMurray Lake (Skagit County):** ~~((a))~~ Open the fourth Saturday in April through October 31.~~

~~~~((b))~~ Landlocked salmon rules apply.~~

~~(214)) (139) **Melbourne Lake (Mason County):** Open the fourth Saturday in April through October 31.~~

~~((215) **Mercer Slough (tributary of Lake Washington) (King County):** Open the first Saturday in June through August 31 for juvenile anglers only.~~

~~(216) **Milk Creek (Snohomish County) (Suiattle River tributary):**~~

~~(a) Open the first Saturday in June through July 31.~~

~~(b) Selective gear rules apply.~~

~~(217)) (140) **Mill Creek (Mason County):**~~

~~(a) ~~((Open the first Saturday in June through October 31.~~~~

~~((b))~~ Selective gear rules ~~((apply))~~.

~~((e))~~ (b) Trout: Daily limit 2; minimum length 14 inches.

~~((218)) (141) **Mill Pond (Auburn) (King County):** Open ~~((the fourth Saturday in April through October 31))~~ for juvenile anglers ~~((only, except open for all anglers during free fishing weekend, as defined by department rule.~~~~

~~(219) **Mima Creek (Thurston County) (Black River tributary):**~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(220))~~, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~(142) **Minter Creek (Pierce/Kitsap counties):** From the mouth to the fishing boundary markers approximately 50 feet downstream of the hatchery rack:~~

~~(a) Open for salmon November 1 through December 31.~~

~~(b) Night closure ~~((in effect))~~.~~

~~(c) Daily limit 4 chum; release all other salmon.~~

~~((221)) (143) **Mission Lake (Kitsap County):** Open the fourth Saturday in April through October 31.~~

~~((222)) (144) **Monte Cristo Lake (Snohomish County):** ~~((a))~~ Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 31.~~

~~~~((b))~~ Selective gear rules apply.~~

~~(e) Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(223) **Mountain Lake (San Juan County):** It is unlawful to retain more than one trout over 18 inches in length.~~

~~(224)) (145) **Mud Lake (Mason County):** Open the fourth Saturday in April through October 31.~~

~~((225)) (146) **Munn Lake (Thurston County):**~~

~~(a) Selective gear rules ~~((apply))~~.~~

~~(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(c) All species: Catch and release fishing only.~~

~~((226) **New Pond Creek (Pierce County) (South Prairie Creek tributary):** Open the first Saturday in June through October 31.~~

~~(227) **Newhalem Creek (Whatcom County):** Open the Saturday before Memorial Day through October 31 above the power facility.~~

~~(228) **Newhalem Ponds (Whatcom County):** Closed.~~

~~(229)) (147) **Nisqually River (Pierce County):**~~

~~(a) From the mouth to Military Tank Crossing Bridge:~~

~~(i) Anti-snagging rules ~~((applies))~~.~~

~~(ii) Night closure ~~((in effect))~~.~~

~~(iii) Barbless hooks are required.~~

~~(iv) Open July 1 through November 15: ~~((Frore minimum length 14 inches))~~ All game fish: Catch and release fishing only.~~

~~(v) Salmon: Open July 1 through November 15.~~

~~(A) Daily limit 6; no more than 2 adults may be retained.~~

~~(B) Release wild Chinook and chum.~~

~~(b) From Military Tank Crossing Bridge to 400 feet below La Grande Powerhouse:~~

~~(i) Open ~~((July 1 through September 30))~~ the Saturday before Memorial Day through October 31.~~

~~(ii) Selective gear rules ~~((apply))~~.~~

(iii) ~~((Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(c) From Alder Reservoir upstream including all tributaries to mainstem and reservoir:~~

~~(i) Open the Saturday before Memorial Day through October 31.~~

~~(ii) Selective gear rules apply.~~

~~(iii) Trout minimum length 14 inches.~~

~~(230) **Nookachamps Creek (Skagit County):**~~

~~(a) Open the first Saturday in June through August 31, including all tributaries and their tributaries.~~

~~(b) Selective gear rules apply.~~

~~(231)) All species except steelhead: Catch and release fishing only.~~

~~(iv) Steelhead: Daily limit 2 hatchery steelhead; minimum length 20 inches.~~

~~(148) **Nooksack River (Whatcom County):**~~

~~(a) From the Lummi Indian Reservation boundary to the yellow marker at the FFA High School barn at Deming:~~

~~(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through January 31.~~

~~(ii) From the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through November 30:~~

~~(A) Anti-snagging rules ~~((applies))~~.~~

~~(B) Night closure ~~((in effect))~~.~~

~~(iii) Trout: Daily limit 2; minimum length 14 inches.~~

~~(iv) Salmon:~~

~~(A) Open September 1 through December 31:~~

~~(I) Daily limit 2, plus 2 additional hatchery coho; release wild coho.~~

~~(II) Release wild Chinook September 1 through September 30.~~

~~(B) In odd-numbered years, open July 16 through August 31:~~

~~(I) Daily limit 4 pink salmon.~~

~~(II) It is unlawful to use bait.~~

~~(III) It is unlawful to use anything other than single-point barbless hooks measuring 1/2 inch or less from point to shank.~~

~~(b) From the yellow marker at the FFA High School barn in Deming to the confluence of the forks:~~

~~(i) Open from October 1 through January 31.~~

~~(ii) October 1 through November 30:~~

~~(A) Anti-snagging rules ~~((applies))~~.~~

~~(B) Night closure ~~((in effect))~~.~~

~~(iii) Trout: Daily limit 2; minimum length 14 inches.~~

~~(iv) Salmon:~~

~~(A) Open October 1 through December 31:~~

~~((A)) (B) Daily limit 2, plus anglers may retain 2 additional hatchery coho.~~

~~((B)) (C) Release wild coho and wild Chinook.~~

~~((232)) (149) **Nooksack River, North Fork (Whatcom County):**~~

~~(a) From the mouth to Maple Creek:~~

~~(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through February 15.~~

~~(ii) From the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through November 30:~~

~~(A) Anti-snagging rules ~~((applies))~~.~~

~~(B) Night closure ~~((in effect))~~.~~

(ii) November 1 through February 15: It is unlawful to fish from a floating device equipped with a motor.

(iv) Trout: Daily limit 2; minimum length 14 inches.

(v) Salmon:

(A) Open October 1 through November 30((:)).

(B) Daily limit 2 salmon, plus anglers may retain 2 additional hatchery coho; release wild coho.

(b) From Maple Creek to Nooksack Falls:

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through January 31.

(ii) Selective gear rules ~~((apply))~~.

(ii) November 1 through January 31: It is unlawful to fish from a floating device equipped with a motor.

(iv) Trout: Daily limit 2; minimum length 14 inches.

~~((e) The waters above Nooksack Falls, including all tributaries and their tributaries are open the Saturday before Memorial Day through October 31.~~

~~(233)) (150) **Nooksack River, Middle Fork (Whatcom County):** ~~((a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~~~

~~(b)) From the mouth to the city of Bellingham diversion dam:~~

~~((f)) (a) November 1 through January 31: It is unlawful to use motors.~~

~~((g)) (b) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through January 31.~~

~~((h)) (c) Selective gear rules ~~((apply))~~.~~

~~((i)) (d) Trout: Daily limit 2; minimum ~~((size))~~ length 14 inches.~~

~~((e) The waters above the diversion dam, including all tributaries and their tributaries are open the Saturday before Memorial Day through October 31.~~

~~(234)) (151) **Nooksack River, South Fork (Skagit/Whatcom counties):**~~

~~(a) ~~((Release all fish except mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~~~

~~(b)) From the mouth to Skookum Creek:~~

~~(i) Open October 1 through January 31.~~

~~(ii) Only one single-point hook allowed.~~

~~(iii) From October 1 through November 30: Night closure ~~((in effect))~~.~~

~~((j)) (iv) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~((k)) (v) Salmon open October 1 through December 31:~~

~~(A) Daily limit 2; plus anglers may retain 4 additional hatchery coho.~~

~~(B) Release chum and wild coho.~~

~~(C) Release wild Chinook October 1 through October 15.~~

~~((l) In years ending in odd numbers, release pink salmon.) (b) From Skookum Creek upstream to Wanlick Creek: Closed waters.~~

~~(c) Upstream from and including Wanlick Creek, including all tributaries:~~

~~(i) Open the Saturday before Memorial Day through October 31 for fly fishing only.~~

~~(ii) All species: Catch and release fishing ~~((only except mandatory hatchery steelhead retention))~~.~~

~~((235)) (152) North Creek (Snohomish/King counties) (tributary of Sammamish River):~~ Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 31 ~~((for juvenile anglers only)).~~

~~((236)) (153) North Lake (King County):~~ Open the fourth Saturday in April through October 31.

~~((237)) (154) Northern State Hospital Pond (Skagit County):~~ Open ~~((the fourth Saturday in April through October 31))~~ for juvenile anglers only.

~~((238)) (155) Ohop Creek (Pierce County):~~

~~((a))~~ ~~((Open July 1 through September 30.~~

~~((b))~~ Selective gear rules ~~((apply)).~~

~~((c))~~ ~~((b))~~ All species: Catch and release fishing only.

~~((239) Ohop Lake (Pierce County):~~ There are no size restrictions for kokanee.

~~(240)) (156) Olalla Creek (Kitsap County):~~

~~((a))~~ ~~((Open the first Saturday in June through October 31.~~

~~((b))~~ Selective gear rules ~~((apply)).~~

~~((c))~~ ~~((b))~~ Trout: Daily limit 2; minimum ((size)) length 14 inches.

~~((241)) (157) Old Fishing Hole Pond (Kent, King County):~~ Open ~~((the fourth Saturday in April through October 31 for))~~ to juvenile anglers ~~((only)), senior anglers, and anglers with a disability who possess a designated harvester companion card.~~

~~((242) Olney Creek (Snohomish County) (Wallace River tributary):~~ The waters upstream of Olney Falls, including tributaries and beaver ponds are open the Saturday before Memorial Day through October 31.

~~(243) Olson Creek (Skagit County):~~

~~((a))~~ Open the first Saturday in June through October 31.

~~((b))~~ Selective gear rules apply.

~~(244)) (158) Osborne Lake (Mason County):~~ Open the fourth Saturday in April through October 31.

~~((245) O'Toole (Marietta) Creek (Whatcom County):~~ The waters upstream from Marietta Falls, located 0.3 lineal miles from the Skagit River, are open the Saturday before Memorial Day through October 31.

~~(246) Outlet Creek (Mason County) (Satsop River tributary):~~

~~((a))~~ Open the first Saturday in June through October 31.

~~((b))~~ Selective gear rules apply.

~~(247) Owl Creek (Snohomish County) (Whitechuck River tributary):~~

~~((a))~~ Open the first Saturday in June through October 31.

~~((b))~~ Selective gear rules apply.

~~(248)) (159) Padden Lake (Whatcom County):~~ ~~((a))~~ Open the fourth Saturday in April through October 31.

~~((b))~~ It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~(249) Panhandle Lake (Mason County):~~ Open the fourth Saturday in April through October 31.

~~(250)) (160) Panther Lake (Kitsap/Mason counties):~~ Open the fourth Saturday in April through October 31.

~~((251)) (161) Pass Lake (Skagit County):~~

~~((a))~~ ~~((Open to))~~ Fly fishing only.

~~((b))~~ ~~((It is unlawful to fish from a floating device equipped with a motor.))~~ All motors prohibited.

~~((c))~~ All species: Catch and release fishing only.

~~((252) Percival Creek (Thurston County):~~

~~((a))~~ Open the first Saturday in June through October 31.

~~((b))~~ Selective gear rules apply.

~~((c))~~ Trout: Minimum length 14 inches.

~~(253)) (162) Perry Creek (Thurston County):~~ From the mouth to the falls:

~~((a))~~ ~~((Open the first Saturday in June through October 31 from the mouth to the falls.~~

~~((b))~~ Selective gear rules ~~((apply)).~~

~~((c))~~ Trout: Minimum size 14 inches

~~(254)) (b) All species: Catch and release fishing only.~~

~~(163) Phillips Lake (Mason County):~~ Open the fourth Saturday in April through October 31.

~~((255)) (164) Pilchuck Creek (Snohomish County):~~ ~~((a))~~ From the mouth to the ~~((Highway 9 Bridge))~~ Pilchuck Falls:

~~((i))~~ ~~((a))~~ Open the ~~((first))~~ Saturday ~~((in June through June 30.~~

~~((ii))~~ From the first Saturday in June through June 30:)) before Memorial Day through January 31.

~~((b))~~ From the Saturday before Memorial Day through November 30: selective gear rules ~~((apply)).~~

~~((iii))~~ ~~((c))~~ Trout: Daily limit 2; minimum length 14 inches.

~~((b))~~ From the Highway 9 Bridge to Pilchuck Falls:

~~((i))~~ Open the first Saturday in June through June 30.

~~((ii))~~ Selective gear rules apply.

~~((iii))~~ Trout: Minimum length 14 inches.

~~((c))~~ From Pilchuck Falls upstream, including all tributaries and their tributaries, and all tributaries to Lake Cavanaugh: Open the Saturday before Memorial Day through October 31.

~~(256)) (165) Pilchuck River (Snohomish County):~~

~~((a))~~ From the mouth to 500 feet downstream from the Snohomish City diversion dam:

~~((i))~~ Open from December 1 through January 31 ~~((from the mouth to 500 feet downstream from the Snohomish City diversion dam)).~~

~~((b))~~ ~~((ii))~~ It is unlawful to fish from any floating device.

~~((c))~~ ~~((iii))~~ Trout: Daily limit 2; minimum length 14 inches.

~~((257) Pine Creek (Mason County):~~ Open the Saturday before Memorial Day through October 31.

~~(258)) (b) From 500 feet downstream from the Snohomish City diversion dam upstream: Closed waters.~~

~~(166) Pine Lake (King County):~~ Open the fourth Saturday in April through October 31.

~~((259) Pine Lake (Mason County):~~ Open the fourth Saturday in April through October 31.

~~(260)) (167) Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County):~~ Closed waters.

~~((261) Plumbago Creek (Whatcom County):~~ Open the Saturday before Memorial Day through October 31 upstream from the Sierra Pacific 140 road bridge located 0.5 lineal miles upstream from the South Fork Nooksack River, including all tributaries.

~~(262) Pratt River (tributary to Middle Fork Snoqualmie River) (King County):~~

~~((a))~~ Open the Saturday before Memorial Day through October 31.

~~((b))~~ Selective gear rules apply.

(e) Catch and release only.

~~(263) **Pressentin Creek (Whatcom County):** Open the Saturday before Memorial Day through October 31 upstream from the waterfall located 0.3 miles from the Skagit River, including all tributaries.~~

~~(264)) (168) **Pipers Creek (King County) and tributaries:** Closed waters.~~

~~(169) **Portage Creek (Snohomish County):** Closed waters.~~

~~(170) **Prices Lake (Mason County):**~~

~~(a) Selective gear rules ((~~apply~~)).~~

~~(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(c) All species: Catch and release fishing only.~~

~~((265) **Pugh Creek (Snohomish County) (Whitechuck River tributary):**~~

~~(a) Open the first Saturday in June through July 31.~~

~~(b) Selective gear rules apply.~~

~~(266)) (171) **Puyallup River (Pierce County):**~~

~~(a) From the 11th Street Bridge to ((~~Freeman Road~~)) Carbon River:~~

~~(i) Open for game fish August 15 through December 31.~~

~~(ii) Closed waters within 400 feet of the mouth of Clarks Creek.~~

~~(iii) August 15 through November 30:~~

~~(A) Anti-snagging rules ((~~applies~~)).~~

~~(B) Night closure ((~~in effect~~)).~~

~~(C) Barbless hooks are required.~~

~~(iv) Trout: ((~~Minimum length 14 inches.~~)) Catch and release fishing only.~~

~~(v) Salmon:~~

~~(A) Daily limit 6. No more than 2 adults may be retained.~~

~~(B) Release wild adult Chinook.~~

~~(b) ((~~From Freeman Road to the Carbon River:~~~~

~~(i) Open for game fish August 10 through December 31.~~

~~(ii) August 10 through November 30:~~

~~(A) Anti-snagging rule applies.~~

~~(B) Night closure in effect.~~

~~(C) Barbless hooks are required.~~

~~(iii) Trout: Minimum length 14 inches.~~

~~(iv) Salmon:~~

~~(A) Limit 6. No more than 2 adults may be retained.~~

~~(B) Release wild adult Chinook.~~

~~(e)) From Carbon River upstream:~~

~~(i) Open ((~~October 16~~)) the Saturday before Memorial Day through January 15.~~

~~(ii) Selective gear rules ((~~apply~~)).~~

~~(iii) ((~~Release all fish except anglers may retain up to 2 hatchery steelhead.~~~~

~~(267) **Pyramid Creek (King County) upstream of Forest Service Road 7000:** Open the first Saturday in June through October 31.~~

~~(268) **Racchorse Creek (Whatcom County) (N.F. Nooksack tributary) above the falls located 0.2 miles above the North Fork Road:** Open the Saturday before Memorial Day through October 31.~~

~~(269)) All species except steelhead: Catch and release fishing only.~~

~~(iv) Steelhead: Daily limit 2 hatchery steelhead; minimum length 20 inches.~~

~~(172) **Raging River (King County):** ((~~a~~)) From the mouth to the Highway 18 Bridge:~~

~~((~~i~~)) (a) Open the ((~~first~~)) Saturday ((~~in June through August 31 and November 1~~)) before Memorial Day through January 31.~~

~~((~~ii~~)) (b) Trout: Daily limit 2; minimum length 14 inches.~~

~~((~~b~~)) From Highway 18 Bridge upstream: Open the first Saturday in June through August 31.~~

~~(270)) (173) **Rapjohn Lake (Pierce County):** Open the fourth Saturday in April through October 31.~~

~~((~~271~~)) (174) **Rattlesnake Lake (King County):**~~

~~(a) Selective gear rules ((~~apply~~)).~~

~~(b) ((~~It is unlawful to fish from a floating device equipped with an internal combustion motor.~~~~

~~(e)) Trout: Daily limit 2; minimum length 14 inches.~~

~~((~~272~~)) (175) **Ravensdale Lake (King County):**~~

~~(a) ((~~Open the fourth Saturday in April through October 31.~~~~

~~(b)) Selective gear rules ((~~apply~~)).~~

~~((~~e~~) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(d)) (b) Trout: Daily limit 2; minimum length ((~~12~~)) 14 inches.~~

~~((~~273~~) **Red Creek (King County) (White River tributary):** Open the first Saturday in June through October 31.~~

~~(274) **Rendsland Creek (Mason County):**~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(c) Catch and release only.~~

~~(275)) (176) **Riley Lake (Snohomish County):** Open the fourth Saturday in April through October 31.~~

~~((~~276~~) **Roaring Creek (Whatcom County):** Open the Saturday before Memorial Day through October 31 upstream from the confluence with Deer Creek, including all tributaries.~~

~~(277)) (177) **Robbins Lake (Mason County):** Open the fourth Saturday in April through October 31.~~

~~((~~278~~)) (178) **Rocky Creek (Mason County):**~~

~~(a) ((~~Open the first Saturday in June through October 31.~~~~

~~(b)) Selective gear rules ((~~apply~~)).~~

~~((~~e~~)) (b) Trout: Catch and release fishing only.~~

~~((~~279~~) **Roesiger Lake (Snohomish County):** Crappie limit 10; minimum length 9 inches.~~

~~(280) **Rose Lake (Mason County):** Open the fourth Saturday in April through October 31.~~

~~(281)) (179) **Ross Lake (Reservoir) (Whatcom County):**~~

~~(a) Open July 1 through October 31:~~

~~(b) Selective gear rules ((~~apply~~)).~~

~~(c) ((~~Trout, except eastern brook trout: Limit 1; minimum length 16 inches.~~~~

~~(d) Eastern brook trout: Limit 5; no minimum length.~~

~~(282)) Trout except eastern brook trout: Daily limit 1; minimum length 16 inches.~~

~~(d) Eastern brook trout: Daily limit 5; no minimum size.~~

~~(180) **Ross Lake tributary streams, and their tributaries, except Big Beaver Creek and Ruby Creek (Whatcom County):** ((~~a~~)) From one mile above the mouths to the headwaters: Open July 1 through October 31.~~

~~((b) Tributaries to Ruby Creek: Open July 1 through October 31.~~

~~(283) **Salmon Creek (Thurston County) (Black River tributary):**~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(c) Night closure in effect.~~

~~(d) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.~~

~~(284)) (181) **Ruby Creek (Whatcom County):** Closed waters.~~

~~(182) **Ruby Creek Tributaries (Whatcom County):** Open July 1 through October 31.~~

~~(183) **Salmon Creek and all forks (Jefferson/Clallam counties):** Closed waters.~~

~~(184) **Salmonberry Creek (Kitsap County):**~~

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((e)) (b) Trout: Daily limit 2; minimum ((size)) length 14 inches.~~

~~((285)) (185) **Samish Lake (Whatcom County):** Cut-throat trout: Daily limit 2; minimum length 14 inches.~~

~~((286)) (186) **Samish River (Skagit County):**~~

~~(a) ((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b)) From the mouth to the I-5 Bridge:~~

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through November 30.~~

~~(ii) ((From the first Saturday in June through November 30:)) Trout: Daily limit 2; minimum length 14 inches.~~

~~(iii) From August 1 through November 30:~~

~~(A) Night closure ((in effect)).~~

~~(B) It is unlawful to use anything other than one single-point hook.~~

~~(iv) From December 1 through December 31: (((A))) Selective gear rules ((apply)).~~

~~((B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.))~~

~~(v) Salmon:~~

~~(A) Open August 1 through November 30.~~

~~(B) Daily limit 2; anglers may only retain fish hooked inside the mouth.~~

~~(C) Release wild coho.~~

~~((e)) (b) From the I-5 Bridge to the Old Highway 99 Bridge:~~

~~(i) Closed waters from the Old Highway 99 Bridge to the WDFW salmon rack.~~

~~(ii) Open the ((first)) Saturday ((in June)) before Memorial Day through August 30:~~

~~(iii) Selective gear rules ((apply)).~~

~~(iv) ((Release all fish except mandatory hatchery steelhead retention.~~

~~(d)) Trout: Daily limit 2; minimum length 14 inches.~~

~~(c) From the WDFW hatchery rack to Hickson Bridge ((upstream)):~~

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through November 30.~~

~~(ii) Selective gear rules ((apply)).~~

~~(ii) ((Release all fish except mandatory hatchery steelhead retention:~~

~~(e) From Hickson Bridge upstream:~~

~~(i) Open the first Saturday in June through October 31.~~

~~(ii) Selective gear rules apply.~~

~~(iii) Mandatory hatchery steelhead retention.~~

~~(287)) Trout: Daily limit 2; minimum length 14 inches.~~

~~(187) **Sammamish Lake (King County):**~~

~~(a) ((Open for game fish year-round.~~

~~(b)) Closed ((to fishing)) waters within 100 yards of the mouth of Issaquah Creek August 16 through November 30.~~

~~((e)) (b) Kokanee: Catch and release fishing only.~~

~~((d)) (c) December 1 through June 30: Release all steelhead and rainbow trout over 20 inches in length.~~

~~((e)) (d) Landlocked salmon rules apply for December 1 through May 31. Hatchery coho only may be retained as part of the trout daily limit under the landlocked salmon rules, ((12-inch)) minimum ((size)) length 12 inches.~~

~~((f)) (e) Open for salmon from October 1 through November 30.~~

~~(i) Salmon: Daily limit 4 coho only.~~

~~(ii) Release Chinook and sockeye.~~

~~((288)) (188) **Sammamish River (Slough) (King County):** From the 68th Avenue N.E. Bridge to Lake Sammamish:~~

~~(a) Open from January 1 through August 31.~~

~~(b) Selective gear rules ((apply)).~~

~~(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(d) Trout: Catch and release fishing only.~~

~~((289)) (189) **Sandyshore Lake (Jefferson County):** Open the fourth Saturday in April through October 31.~~

~~(190) **Sauk River (Skagit/Snohomish counties):**~~

~~(a) Selective gear rules ((apply)).~~

~~(b) ((Release all fish except anglers may retain up to 2 hatchery)) All species except hatchery steelhead: Catch and release fishing only.~~

~~(c) Steelhead: Daily limit 2 hatchery steelhead; minimum length 20 inches.~~

~~((e)) (d) From the mouth to Darrington Bridge:~~

~~(i) Open ((the first Saturday in)) June 1 through ((July 15 and December 15 through)) January 31.~~

~~(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~((d)) (e) From Darrington Bridge to the mouth of the White Chuck River(,); Open ((the first Saturday in)) June 1 through ((July 15 and December 15 through)) January 31.~~

~~((e)) (f) From the Whitechuck River to the headwaters, including the North Fork from mouth to North Forks Falls and the South Fork from mouth to Elliot Creek(,); Open ((the first Saturday in)) June 1 through ((July 15)) October 31.~~

~~((f)) (g) In the South Fork upstream from Elliot Creek: Open ((the first Saturday in)) June 1 through August 31.~~

~~((290) **Sauk, North Fork, (Snohomish County):** Open the Saturday before Memorial Day through October 31 above North Fork falls including all tributaries.~~

~~(291) **Sawyer Lake (King County):** Chumming is permissible.~~

~~(292) Scatter Creek (King County) (White River tributary):~~ Open the first Saturday in June through October 31.

~~(293) Scatter Creek (Thurston County) (Chehalis River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(294)) (191) Schneider Creek (Thurston County):~~

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((e) Trout: Minimum size 14 inches.~~

~~(295)) (b) All species: Catch and release fishing only.~~

~~(192) Serene Lake (Snohomish County):~~ Open the fourth Saturday in April through October 31.

~~((296)) (193) Shady Lake (King County): ((a))~~ Open the fourth Saturday in April through October 31.

~~((b) Trout: It is unlawful to retain more than one trout over 14 inches in length.~~

~~(297)) (194) Shannon, Lake (Skagit County):~~

~~(a) Open the fourth Saturday in April through October 31.~~

~~(b) ((Chumming is permissible.~~

~~(e) Trout)) Kokanee: Minimum length ((6 inches and maximum length 18)) 8 inches.~~

~~((298)) (195) Shelton Creek (Mason County):~~

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((e)) (b) Trout: Catch and release fishing only.~~

~~((299) Sherman Creek (Thurston County) (Chehalis River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(300)) (196) Sherwood Creek (Mason County):~~

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((e)) (b) Trout: Catch and release fishing only.~~

~~((301)) (197) Sherwood Creek Mill Pond (Mason County): ((a) Open the first Saturday in June through October 31.~~

~~(b)) Trout: Daily limit 2; minimum length 14 inches.~~

~~((302)) (198) Shoe Lake (Mason County):~~ Open the fourth Saturday in April through October 31.

~~((303) Silesia Creek (Chilliwack River tributary) (Whatcom County):~~ Open the first Saturday in June through October 31.

~~(304) Silver Creek (Skagit County) (Samish River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(305) Silver Creek (Whatcom County) (Nooksack River tributary):~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(306)) (199) Silent Lake (Jefferson County):~~ Open the fourth Saturday in April through October 31.

~~(200) Silver Lake (Pierce County):~~ Open the fourth Saturday in April through October 31.

~~((307)) (201) Silver Lake (Whatcom County):~~ Open the fourth Saturday in April through October 31.

~~((308)) (202) Sixteen Lake (Skagit County):~~ Open the fourth Saturday in April through October 31.

~~((309)) (203) Skagit River (Skagit/Whatcom counties):~~

~~(a) ((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b)) From the mouth to Highway 530 Bridge at Rockport: Trout: Daily limit 2; minimum length 14 inches, except anglers may retain Dolly Varden/Bull Trout with a minimum length of 20 inches as part of the trout limit.~~

~~((e)) (b) From the mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon):~~

~~(i) Open March 1 through ((July 15 and December 15 through)) January 31((, except closed waters June 28 and 29, July 6, 7, and 11)).~~

~~(ii) March 1 through July 15:~~

~~(A) Selective gear rule((s apply,)) except anglers fishing for sturgeon must use bait.~~

~~(B) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank, except anglers fishing for sturgeon may use single-point barbless hooks of any size.~~

~~((d)) (c) From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek:~~

~~(i) Open June 1 through ((July 15 and December 15 through)) January 31((, except closed waters June 28 and 29, July 6, 7, and 11)).~~

~~(A) Night closure ((in effect)); June 1 through July 15.~~

~~(B) June 1 through June 10:~~

~~(I) Selective gear rules ((apply,)) except for sturgeon.~~

~~(II) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank, except anglers fishing for sturgeon may use single-point barbless hooks of any size.~~

~~(ii) Salmon: Open June 11 through July 15; daily limit 3 sockeye only.~~

~~((e)) (d) From Gilligan Creek to The Dalles Bridge at Concrete:~~

~~(i) Open June 1 through ((July 15 and December 15 through)) January 31((, except closed waters June 28 and 29, July 6, 7, and 11)).~~

~~(ii) From June 1 through July 15:~~

~~(A) Selective gear rules ((apply)).~~

~~(B) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.~~

~~(C) Night closure ((in effect)).~~

~~((f)) (e) From The Dalles Bridge at Concrete to the Highway 530 Bridge at Rockport:~~

~~(i) Open June 1 through ((July 15 and December 15 through)) January 31((, except closed waters June 28 and 29, July 6, 7, and 11)).~~

~~(ii) June 1 through July 15: Closed waters between a line projected across the thread of the river 200 feet above the east bank of the Baker River to a line projected across the thread of the river 200 feet below the west bank of the Baker River.~~

~~(iii) June 1 through July 15:~~

~~(A) Night closure ((in effect)).~~

~~(B) Selective gear rules ((apply)).~~

~~(C) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.~~

~~((g)) (f) From the Highway 530 Bridge at Rockport to the Cascade River Road (Marblemount Bridge):~~

(i) Open ~~((June 1 through July 15 and December 15))~~ the Saturday before Memorial Day through January 31:

(A) ~~((Trout catch and release only, except mandatory hatchery steelhead retention.~~

~~(B))~~ June 1 through July 15; anti-snagging rules ~~((applies)).~~

~~((C))~~ (B) June 1 through July 15; night closure ((in effect)).

(C) Selective gear rules and it is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(ii) Salmon: Open June 1 through July 15:

(A) Daily limit 4 hatchery Chinook only.

(B) Only 2 adult hatchery Chinook may be retained as part of the limit.

~~((H))~~ (g) From Cascade River Road to the Gorge Pow-erhouse:

(i) Open June 1 ~~((through July 15 and December 15))~~ through January 31.

(ii) Selective gear rules ~~((apply)).~~

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) ~~((Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(i) Gorge and Diablo lakes' tributary streams and their tributaries, except Stetattle Creek: Open the first Saturday in June through October 31.~~

~~(310))~~ All species: Catch and release fishing only.

(204) Skokomish River (Mason County):

(a) From the mouth to the city of Tacoma PUD overhead distribution lines: Closed waters.

(b) From the city of Tacoma PUD overhead distribution lines to the Bonneville Transmission lines west of Highway 101: Closed waters.

(c) From the Bonneville Transmission lines west of Highway 101 to the forks:

(i) ~~((Open the first Saturday in June through October 31.~~

~~(ii))~~ Selective gear rules ~~((apply)).~~

~~((iii))~~ (ii) All species: Catch and release fishing only.

~~((iv))~~ (iii) No steelhead retention.

~~((311))~~ (205) Skokomish River, North Fork (Mason

County):

(a) From the mouth to the lower dam:

(i) Selective gear rules ((apply)).

~~((b) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(e))~~ (ii) All species: Catch and release fishing only.

~~((d) From the mouth to the lower dam: Open the first Saturday in June through October 31.~~

~~(e))~~ (iii) No steelhead retention.

(b) Above Lake Cushman, from the mouth to Olympic National Park boundary:

(i) Open the ((first)) Saturday ((in June)) before Memorial Day through August 31.

~~((312))~~ (ii) Selective gear rules.

(iii) All species: Catch and release fishing only.

(iv) No steelhead retention.

(206) Skokomish River, South Fork (Mason County):

(a) From the mouth to the mouth of LeBar Creek:

(i) ~~((Open the first Saturday in June through October 31.~~

~~(ii))~~ Selective gear rules ~~((apply)).~~

~~((iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(iv))~~ (ii) All species: Catch and release fishing only.

~~((v))~~ (iii) No steelhead retention.

(b) From ~~((the mouth of Rule Creek to the headwaters:~~

~~(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: Minimum length 12 inches.~~

~~(313))~~ LeBar Creek to Rule Creek: Closed waters.

(207) Skookum Creek (Mason County):

(a) ~~((Open the first Saturday in June through October 31.~~

~~(b))~~ Selective gear rules ~~((apply)).~~

~~((e))~~ (b) Trout: Catch and release fishing only.

~~((314) Skookum Creek (Whatcom County): From the mouth of Arlecho Creek upstream, including Arlecho Creek and all other tributaries: Open the Saturday before Memorial Day through October 31.~~

~~(315) Skookumchuck Reservoir (Thurston County):~~

(a) Open the first Saturday in June through October 31.

(b) Trout: Daily limit 2; minimum length 12 inches.

~~(316))~~ (208) Skykomish River (Snohomish County):

(a) Trout: Daily limit 2; minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(b) From the mouth to the mouth of Wallace River:

(i) Open ((June 1)) the Saturday before Memorial Day through January 31.

(ii) From August 1 through November 30: Anti-snagging rules ((applies)) and night closure ((in effect August 1 through November 30)).

(iii) From November 1 through January 31: It is unlawful to fish from any floating device from the boat ramp below Lewis Street Bridge at Monroe downstream 2,500 feet.

(iv) Salmon:

(A) Open ((June 1)) the Saturday before Memorial Day through July 31: Limit 4 hatchery Chinook; no more than 2 of which may be adults.

(B) For years ending in odd numbers:

(I) Open August 16 through December 31 from the mouth to Lewis Street Bridge in Monroe.

(II) Open September 1 through December 31 from the Lewis Street Bridge to Wallace River.

(III) Daily limit 3 salmon; release Chinook and chum.

(c) From the mouth of the Wallace River to the forks:

(i) Open ((June 1)) the Saturday before Memorial Day through January 31.

(ii) From ~~((the Highway 2 Bridge at the Gold Bar/Big Eddy Access to the confluence of the North and South Forks: Also open February 1 through February 15.~~

~~(iii))~~ August 1 through November 30: Anti-snagging rules ~~((applies)) and night closure ((in effect from Wallace River to the forks)).~~

~~((iv) June 1))~~ (iii) From the Saturday before Memorial Day through February 15: It is unlawful to fish from any floating device in the area 1,500 feet upstream and 1,000 feet downstream of the outlet at Reiter Ponds.

~~((+))~~ (iv) Salmon: For years ending in odd numbers:

(A) Open September 1 through December 31.

(B) Daily limit 3 salmon; release Chinook and chum.

~~((317))~~ **(209) Skykomish River, North Fork (Snohomish County):**

(a) From the mouth to 1,000 feet downstream of Bear Creek Falls:

(i) Open the ~~((first))~~ Saturday ~~((in June through August 31 and November 1))~~ before Memorial Day through January 31.

(ii) Selective gear rules ~~((apply))~~.

~~((iii))~~ ~~((Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(b) From Deer Falls (about 1/4 mile upstream of Goblin Creek) upstream, including all tributaries and their tributaries: Open the Saturday before Memorial Day through October 31.~~

~~((318))~~ All species: Catch and release fishing only.

~~((iv))~~ Steelhead: Daily limit 2 hatchery steelhead; minimum length 20 inches.

~~(b) From 1000 feet downstream of Bear Creek Falls to Deer Falls and all tributaries: Closed waters.~~

**(210) Skykomish River, South Fork (King/Snohomish counties):**

(a) From the mouth to 600 feet downstream from the Sunset Falls fishway:

(i) Open the ~~((first))~~ Saturday ~~((in June through August 31 and November 1))~~ before Memorial Day through January 31.

(ii) From August 1 through ((August 31 and November 1 through)) November 30:

(A) Anti-snagging rules ~~((applies))~~.

(B) Night closure ~~((in effect))~~.

(iii) Trout: Daily limit 2; minimum length 14 inches.

~~(b) From 600 feet downstream of Sunset Falls fishway to Sunset Falls: Closed waters.~~

~~(c) From Sunset Falls to the source((, including all tributaries and their tributaries)):~~

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through ~~((August 31))~~ the last day in February.

(ii) Selective gear rules ~~((apply))~~.

(iii) Trout: Daily limit 2; minimum length 14 inches.

~~((iv))~~ December 1 through the last day in February:

~~(A) All tributaries of this river section are closed.~~

~~(B) Open for whitefish only; release all other fish.~~

~~(319) **Smith Creek (Whatcom County) (Nooksack River tributary):**~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~((320))~~ (d) All tributaries and their tributaries above Sunset Falls:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Selective gear rules.

**(211) Snohomish River (Snohomish County):**

(a) From the Burlington-Northern Railroad bridges to Highway 9 Bridge, including all channels, sloughs, and inter-connected waterways, but excluding all tributaries:

(i) Sturgeon catch and release is permissible ~~((July 1 through June 30))~~ year-round.

(ii) August 1 through November 30:

(A) Anti-snagging rules ~~((applies))~~; except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(B) Night closure ~~((in effect))~~.

(iii) Game fish:

(A) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through January 31.

(B) Trout: Daily limit 2; minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(iv) Salmon, for years ending in odd numbers:

(A) Open August 1 through December 31.

(B) Daily limit 3 salmon; release Chinook and chum.

(b) From the Highway 9 Bridge to the confluence of the Skykomish and Snoqualmie rivers ~~((and))~~ and all channels((s)):

(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through January 31.

(ii) August 1 through November 30:

(A) Anti-snagging rules ~~((applies))~~.

(B) Night closure ~~((in effect))~~.

(iii) Trout: Daily limit 2; minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(iv) Salmon, for years ending in odd numbers:

(A) Open August 16 through December 31.

(B) Limit 3; release Chinook and chum.

~~((321))~~ **(212) Snoqualmie River (King County):**

(a) From the mouth to Snoqualmie Falls:

~~((i))~~ ~~((Closed within the Puget Power tunnel at the falls and within 50 feet of any point on Puget Power's lower Plant #2 building (north bank).))~~

~~((ii))~~ From the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through November 30: Selective gear rules ~~((apply))~~.

~~((iii))~~ (ii) From September 1 through November 30: Night closure ~~((in effect))~~.

~~((iv))~~ (iii) From the mouth to the boat ramp at the Plum access: Open the ((first)) Saturday ((in June)) before Memorial Day through January 31.

~~((v))~~ (iv) From the boat ramp at the Plum access to the falls: Open the ((first)) Saturday ((in June)) before Memorial Day through February 15.

~~((vi))~~ (v) From November 1 through February 15: It is unlawful to fish from any floating device in the waters from the boat ramp at the Plum access to the mouth of Tokul Creek (about 1/4 mile).

~~((vii))~~ (vi) Trout: Daily limit 2; minimum length 14 inches.

~~((viii))~~ (vii) Salmon, for years ending in odd numbers:

(A) Open September 1 through December 31.

(B) Daily limit 3 salmon; release Chinook and chum.

(b) From Snoqualmie Falls upstream, including the North ~~((and))~~ Fork, South Fork((s)), all tributaries except Middle Fork and tributaries to the Middle Fork:

(i) Selective gear rules ~~((apply))~~.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Open the Saturday before Memorial Day through October 31 ~~((: Trout minimum length 10 inches)).~~



(iv) Open November 1 through the Friday before Memorial Day: All species: Catch and release fishing only.

~~((c))~~ ~~((Snoqualmie River tributaries upstream of the falls, and the tributaries of the North and South Forks (except Tate, Sunday and Phillapa creeks): Open the Saturday before Memorial Day through October 31. From November 1 through the Friday before Memorial Day: Catch and release only.~~

~~((d))~~ In the ~~((Snoqualmie River))~~ Middle Fork from the mouth to the source, including all tributaries ~~((except Pratt and Taylor rivers))~~:

(i) Open year-round.

(ii) Selective gear rules ~~((apply))~~.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) All species: Catch and release fishing only.

~~((322))~~ **(213) South Prairie Creek (Pierce County):** ~~((Open the Saturday before Memorial Day through August 31 and October 16 through October 31))~~ From the mouth to the city of Buckley diversion dam ((upstream)): Closed waters.

~~((323))~~ **(214) Spada Lake (Reservoir) (Snohomish County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules ~~((apply))~~.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Daily limit 5; maximum length 12 inches.

~~((324))~~ **(215) Spada Lake (Reservoir) tributaries (Snohomish County):** Closed waters.

~~((325))~~ **(216) Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County):** Open year-round.

~~((326))~~ **Squalicum Creek (Whatcom County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~(327))~~ **(217) Squalicum Lake (Whatcom County):**

(a) ~~((Open for))~~ Fly fishing only.

(b) ~~((It is unlawful to fish from a floating device equipped with a motor.))~~ All motors prohibited.

(c) Trout: Daily limit 2; minimum length 14 inches.

~~((328))~~ **Squire Creek (Snohomish County) (N.F. Stillaguamish River tributary):**

(a) Open the first Saturday in June through June 30.

(b) Selective gear rules apply.

(c) ~~Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(329))~~ **(218) Squire Creek (Snohomish County) (N.F. Stillaguamish River tributary):**

(a) Selective gear rules.

(b) Release wild trout except eastern brook trout.

(c) Steelhead: Daily limit 2 hatchery steelhead; minimum length 20 inches.

**(219) Steel Lake (King County):** Open the fourth Saturday in April through October 31.

~~((330))~~ **(220) Stetattle Creek (Whatcom County):** ~~((Open the first Saturday in June through October 31 above))~~ From the mouth ((of)) to Bucket Creek ((approximately 1.5 miles upstream)): Closed waters.

~~((331))~~ **Stevens Lake (Snohomish County):**

(a) Chumming is permissible.

(b) Kokanee: Limit 10; kokanee do not count toward the trout limit.

~~(332))~~ **(221) Steves Lake (Stevens Lake) (Mason County):** Open the fourth Saturday in April through October 31.

~~((333))~~ **(222) Stickney Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

~~((334))~~ **(223) Stillaguamish River (Snohomish County):**

(a) From the mouth to Marine Drive, including all sloughs:

(i) Open year-round.

(ii) Night closure ~~((in effect))~~.

(iii) From August 1 through November 30: Anti-snagging rules ((applies)), except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(iv) Trout: Daily limit 2; minimum length 14 inches.

(b) From Marine Drive to the forks:

(i) From the barrier dam (downstream of I-5) downstream 200 feet: Closed waters.

(ii) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through ((June 30)) January 31.

(A) Selective gear rules ~~((apply))~~.

(B) ~~((Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(335))~~ Trout: Daily limit 2; minimum length 14 inches.

(C) Steelhead: Daily limit 2 hatchery steelhead; minimum length 20 inches.

**(224) Stillaguamish River, North Fork (Snohomish County):**

(a) From the North Fork mouth to the mouth of French Creek:

(i) It is unlawful to fish from any floating device upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge).

(ii) It is unlawful to fish from any floating device equipped with a motor downstream from the Highway 530 Bridge.

(iii) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through ((July 31)) November 30:

(A) Fly fishing only.

(B) ~~((Release all fish except anglers may retain up to 2 hatchery steelhead.))~~ From August 1 through November 30: night closure.

(C) All species except hatchery steelhead: Catch and release fishing only.

(D) Steelhead: Daily limit 2 hatchery steelhead; minimum length 20 inches.

(iv) Open from December 1 through January 31: Trout: Daily limit 2; minimum length 14 inches.

(b) From the mouth of French Creek to Swede Heaven Bridge:

(i) ~~((Open the first Saturday in June through July 31:~~

(A) Fly fishing only.

(B) ~~Release all fish except anglers may retain up to 2 hatchery steelhead.~~

(ii) Open December 1 through January 31:

(A) Fly fishing only.

~~(B) Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(c) From Swede Heaven Bridge to North Forks Falls approximately one mile upstream of Cascade Creek:~~

~~(i) Open the first Saturday in June through June 30.~~

~~(ii) Selective gear rules apply.~~

~~(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.~~

~~(d) Upstream of North Fork Falls, approximately one mile upstream of Cascade Creek including all tributaries and their tributaries: Open the Saturday before Memorial Day through October 31.~~

~~(336)) From August 1 through November 30: Night closure and anti-snagging rules.~~

~~(ii) Open the Saturday before Memorial Day through November 30:~~

~~(A) Fly fishing only.~~

~~(B) All species except hatchery steelhead: Catch and release fishing only.~~

~~(C) Hatchery steelhead: Daily limit 2 hatchery steelhead; minimum length 20 inches.~~

~~(iii) Open from December 1 through February 15: Trout: Daily limit 2; minimum length 14 inches.~~

~~(225) Stillaguamish River, South Fork (Snohomish County):~~

~~(a) From the mouth to 400 feet downstream of the outlet to Granite Falls fishway:~~

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through ((June 30:~~

~~((ii)) January 31.~~

~~(ii) From August 1 through November 30:~~

~~(A) Anti-snagging rules.~~

~~(B) Night closure.~~

~~((iii) Trout: Daily limit 2; minimum length 14 inches.~~

~~(b) From 400 feet below the Granite Falls Fishway to the Mountain Loop Highway Bridge above Granite Falls: Closed waters.~~

~~(c) From the Mountain Loop Highway Bridge above Granite Falls upstream to the source:~~

~~(i) ((Open the first Saturday in June through September 4:~~

~~((ii) Selective gear rules apply.~~

~~((iii)) From August 1 through ((September 4)) October 31:~~

~~((A)) ((ii) Anti-snagging rules ((applies)).~~

~~((B)) ((iii) Night closure ((in effect)).~~

~~((337) **Stimson Creek (Mason County):**~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply~~

~~(c) Catch and release only.~~

~~(338)) (226) **Storm Lake (Snohomish County):** Open the fourth Saturday in April through October 31.~~

~~((339) **Straight Creek (Snohomish County) (Suiattle River tributary):**~~

~~(a) Open the first Saturday in June through July 31.~~

~~(b) Selective gear rules apply.~~

~~(340)) (227) **Suiattle River (Skagit/Snohomish County):**~~

~~(a) ((Open the first Saturday in June through July 15:~~

~~((b)) Selective gear rules ((apply)).~~

~~((e)) (b) Trout: It is permissible to retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of trout limit.~~

~~((341) **Sulphur Creek (Snohomish County) (Suiattle River tributary):**~~

~~(a) Open the first Saturday in June through July 31.~~

~~(b) Selective gear rules apply.~~

~~(342)) (228) **Sultan River (Snohomish County):** ((a)) From the mouth to a point 400 feet downstream from the diversion dam at river mile 9.7:~~

~~((i)) (a) Open the ((first)) Saturday ((in June)) before Memorial Day through ((August 31 and November 1 through)) January 31.~~

~~((ii)) (b) Trout: Daily limit 2; minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.~~

~~((b) Upstream of the diversion dam to Culmback Dam: Open the first Saturday in June through October 31.~~

~~(343) **Sumas River (Whatcom County):** Open the first Saturday in June through October 31, including all tributaries except Johnson Creek.~~

~~(344)) (229) **Sultan River: North Fork (Snohomish County):** Closed waters.~~

~~(230) **Sultan River: South Fork (Snohomish County):** Closed waters.~~

~~(231) **Summit Lake (Thurston County):** ((a)) Open the fourth Saturday in April through October 31.~~

~~((b) Trout: It is unlawful to retain more than 2 over 14 inches in length, except there are no size restrictions for kokanee.~~

~~(345)) (232) **Susan Lake (Thurston County):**~~

~~(a) Selective gear rules ((apply)).~~

~~(b) All species: Catch and release fishing only.~~

~~((346)) (233) **Swamp Creek (tributary to Sammamish River) (Snohomish/King counties):** Open the ((first)) Saturday ((in June through August 31 for juvenile anglers only)) before Memorial Day through August 31.~~

~~((347)) (234) **Swan's Mill Pond (Stossel Creek) (King County):** Open the first Saturday in June through October 31.~~

~~((348)) (235) **Symington Lake (Kitsap County):**~~

~~(a) Open the ((first Saturday in June)) fourth Saturday in April through October 31.~~

~~(b) Selective gear rules ((apply)).~~

~~(c) Trout: Catch and release fishing only.~~

~~((349)) (236) **Tahuya River (Mason County):**~~

~~(a) From the mouth to the ((steel bridge approximately 1 mile upstream of North Shore)) Belfair Tahuya Road Bridge:~~

~~(i) ((Open the first Saturday in June through August 15 and October 1 through October 31.~~

~~((ii)) Selective gear rules ((apply)).~~

~~((iii) October 1 through October 31: Night closure in effect.~~

~~((iv) Release all game fish.) (ii) Trout: Catch and release fishing only.~~

~~(b) From the ((steel bridge approximately one mile upstream of North Shore)) Belfair Tahuya Road Bridge upstream: ((i) Open the first Saturday in June through August 15 and October 1 through October 31.~~

~~((ii)) Selective gear rules ((apply)).~~

~~((iii) October 1 through October 31: Night closure in effect.~~

~~(iv) Catch and release only.~~

~~(350) **Tanwax Creek (Thurston County):**~~

~~(a) Open the first Saturday in June through September 30.~~

~~(b) Selective gear rules apply.~~

~~(c) Catch and release only.~~

~~(351) **Tanwax Lake (Pierce County):** Crappie: Limit 10; minimum length 9 inches.~~

~~(352)) (237) **Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County), to within four hundred feet of the screen at Dingle Basin:** Open year-round.~~

~~((353) **Taylor River (tributary to the Middle Fork Snoqualmie) (King County):**) (238) **Tarboo Creek (Jefferson County):**~~

~~(a) ((Open the Saturday before Memorial Day through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((c) Catch and release only.~~

~~(354) **Tennile Creek (Whatcom County) (Nooksack River tributary):**~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(355) **Tenas Creek (Skagit County) (Suiattle River tributary):**~~

~~(a) Open the first Saturday in June through July 31.~~

~~(b) Selective gear rules apply.~~

~~(356)) (b) Trout: Daily limit 2; minimum length 14 inches.~~

~~(239) **Tarboo Lake (Jefferson 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.~~

~~(240) **Teal Lake (Jefferson County):**~~

~~(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(b) Selective gear rules.~~

~~(c) Trout: Daily limit 1; minimum length 18 inches.~~

~~(241) **Tenas Lake (Mason County):** Open the fourth Saturday in April through October 31.~~

~~((357)) (242) **Tennant Lake (Whatcom County):** ((It is unlawful to fish from any floating device from the first Friday in October through January 27.~~

~~(358) **Terrell Creek (Whatcom County):**~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(359)) Open March 1 through September 30.~~

~~(243) **Terrell, Lake (Whatcom County):** ((It is unlawful to fish from any floating device from the first Saturday after Labor Day through the following Friday and from October 1 through January 31, except fishing from a floating dock is permissible.~~

~~(360) **Texas Pond (Skagit County):** No limit for eastern brook trout.~~

~~(361) **Thomas Creek (Skagit County) (Samish River tributary):**~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(362) **Thompson Creek (Thurston County) (Skookumchuck River tributary):**~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(363)) Open March 1 through September 30.~~

~~(244) **Thornton Creek (tributary to Lake Washington) (King County):** Open the ((first)) Saturday ((in June)) before Memorial Day through August 31 ((for juvenile anglers only)).~~

~~((364) **Thornton Creek (Whatcom County):**~~

~~(a) From the Highway 20 Bridge downstream to the Skagit River: Closed.~~

~~(b) From the Highway 20 Bridge upstream:~~

~~(i) Open the first Saturday in June through October 31.~~

~~(ii) Release all fish except anglers may retain up to 2 hatchery steelhead and there is no limit on cutthroat trout.~~

~~(365)) (245) **Thornton Lake, lower (Whatcom County):** Cutthroat ((trout)): No daily limit; no minimum length.~~

~~((366)) (246) **Tibbetts Creek (tributary to Lake Sammamish) (King County):** Open the ((first)) Saturday ((in June)) before Memorial Day through August 31 ((for juvenile anglers only)).~~

~~((367)) (247) **Tiger Lake (Kitsap/Mason counties):**~~

~~Open the fourth Saturday in April through October 31.~~

~~((368)) (248) **Toad Lake (Whatcom County):** Open the fourth Saturday in April through October 31.~~

~~((369)) (249) **Tokol Creek (King County) (Snoqualmie River tributary):**~~

~~(a) From the mouth to the Fish Hatchery Road Bridge:~~

~~(i) Open December 1 through February 15, except closed ((to fishing)) waters from 5:00 p.m. to 7:00 a.m.~~

~~(ii) Anti-snagging rules ((applies)).~~

~~(iii) Trout: Daily limit 2; minimum length 14 inches.~~

~~(b) From Fish Hatchery Road Bridge to the posted boundary marker located ((approximately 400 feet)) downstream of the diversion dam:~~

~~(i) Open January 15 through February 15, except closed ((to fishing)) waters from 5:00 p.m. to 7:00 a.m.~~

~~(ii) Anti-snagging rules ((applies)).~~

~~(iii) Trout: Daily limit 2; minimum length 14 inches.~~

~~(c) From the posted boundary marker downstream of the diversion dam to Tokul Road S.E. ((upstream, including all tributaries and beaver ponds: Open the Saturday before Memorial Day through October 31)): Closed waters.~~

~~((370)) (250) **Tolt River (King County):**~~

~~(a) From the mouth to the USGS trolley cable near the confluence of the North and South Forks:~~

~~(i) Open the ((first)) Saturday ((in June)) before Memorial Day through January 31:~~

~~(ii) Selective gear rules ((apply)).~~

~~((ii)) (iii) Trout: Daily limit 2; minimum length 14 inches.~~

~~(b) On the North Fork, from the mouth upstream to the falls approximately 1/3 miles above the Northeast North Fork Road Bridge (Pipeline Bridge): Closed waters.~~

~~(c) On the North Fork from the falls ((on the North Fork, located approximately 3 miles above the confluence of the North and South forks,)) approximately 1/3 mile above the~~

Northeast North Fork Road Bridge (Pipeline Bridge) upstream(;) and including all tributaries:

(i) ~~((Open the Saturday before Memorial Day through October 31.~~

~~((ii)) Selective gear rules ((apply)).~~

~~((iii)) (ii) All species: Catch and release fishing only.~~

~~((e)) (d) On the South Fork, from the ~~((dam))~~ mouth upstream(=~~

~~(i) Open the Saturday before Memorial Day through October 31.~~

~~(ii) Selective gear rules apply.~~

~~(iii) Trout: Minimum length 10 inches.~~

~~(371) **Twenty-two Lake Creek (Snohomish County):**~~

~~Open the Saturday before Memorial Day through October 31 upstream from the falls located approximately at river mile 0.25 upstream.~~

~~(372) **Tye River (King County):**~~

~~(a) From Foss River to Alpine Falls:~~

~~(i) Open the first Saturday in June through August 31.~~

~~(ii) Selective gear rules apply.~~

~~(iii) Trout: Minimum length 14 inches.~~

~~(iv) Open November 1 through the last day in February for whitefish only; release all other fish.~~

~~(b) From Alpine falls upstream, and all tributaries to the Tye River, including their tributaries: Open the first Saturday in June through October 31.~~

~~(373)) to the dam: Closed waters.~~

~~(251) **U Lake (Mason County):** Open the fourth Saturday in April through October 31.~~

~~((374)) (252) **Uncle John Creek (Mason County):**~~

~~(a) ((Open the first Saturday in June through October 31.~~

~~(b)) Selective gear rules ((apply)).~~

~~((e)) (b) Trout: Catch and release fishing only.~~

~~((375)) (253) **Union River (Mason County):**~~

~~(a) From the mouth to the ~~((North Shore Road Bridge))~~ lower bridge on Old Belfair Highway:~~

~~(i) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through August 15.~~

~~(ii) Selective gear rules.~~

~~(iii) All species: Catch and release fishing only.~~

~~(b) ~~((From the North Shore Road Bridge to the lower bridge on Old Belfair Highway:~~~~

~~(i) Open the first Saturday in June through August 15.~~

~~(ii) Selective gear rules apply.~~

~~(iii) Catch and release only.~~

~~(e)) From the lower bridge on Old Belfair Highway upstream:~~

~~(i) ~~((Open the first Saturday in June through October 31.~~~~

~~(ii)) Selective gear rules ((apply)).~~

~~((iii) Catch and release only.~~

~~(376)) (ii) Trout: Daily limit 2; minimum length 14 inches.~~

~~(254) **Vogler Lake (Skagit County):**~~

~~(a) Fly fishing only.~~

~~(b) All species: Catch and release fishing only.~~

~~((377) **Voight Creek (Pierce County):** Open the Saturday before Memorial Day through August 31 and October 16 through October 31 from the falls, approximately 4.0 river miles upstream of the mouth and under the power lines, upstream.~~

~~(378) **Waddell Creek (Thurston County) (Black River tributary):**~~

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~(379)) (255) **Wagners Lake (Snohomish County):** Open the fourth Saturday in April through October 31.~~

~~((380)) (256) **Walker Lake (King County):** Open the fourth Saturday in April through October 31.~~

~~((381)) (257) **Wallace River (Snohomish County):**~~

~~(a) From the mouth to 363rd Ave. S.E./Reece Rd:~~

~~(i) Open from the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through February 15.~~

~~(ii) From ~~((first))~~ the Saturday ~~((in June))~~ before Memorial Day through November 30:~~

~~(A) Anti-snagging rules ~~((applies)).~~~~

~~(B) Night closure ~~((in effect)).~~~~

~~(iii) From November 1 through February 15: It is unlawful to fish from any floating device.~~

~~(iv) Trout: Daily limit 2; minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.~~

~~(v) Salmon open September 16 through November 30 in years ending in odd numbers: Limit 3 salmon; release Chinook and chum.~~

~~(b) From 363rd Avenue S.E./Reece Road to 200 feet upstream of the water intake of the salmon hatchery:~~

~~(i) Open ~~((November 1))~~ September 16 through February 15.~~

~~(ii) ~~((November 1))~~ From September 16 through November 30:~~

~~(A) Anti-snagging rules ~~((applies)).~~~~

~~(B) Night closure ~~((in effect)).~~~~

~~(iii) November 1 through February 15: It is unlawful to fish from any floating device.~~

~~(iv) Trout: Daily limit 2; minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.~~

~~(v) Salmon open September 16 through November 30 in years ending in odd numbers: Limit 3 salmon plus 1 additional pink; release Chinook and chum.~~

~~(c) From 200 feet downstream of the water intake to 200 feet upstream of the water intake: Closed waters.~~

~~(d) From 200 feet upstream of the water intake of the salmon hatchery to Wallace Falls:~~

~~(i) Open November 1 through January 31.~~

~~(ii) It is unlawful to fish from any floating device.~~

~~(iii) Trout: Daily limit 2; minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.~~

~~((d) From Wallace Falls upstream, including all tributaries and their tributaries: Open the Saturday before Memorial Day through October 31.~~

~~(382)) (258) **Wapato Lake (Pierce County):** Open to juvenile anglers ~~((only)), senior anglers and anglers with a disability who possess a designated harvester companion card.~~~~

~~((383) **Washington Creek (Mason County):** Open the Saturday before Memorial Day through October 31.~~

~~(384))~~ (259) Washington Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County):

~~(a) ((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b))~~ Open year-round.

~~((c) It is unlawful to fish from a floating device within 100 yards of either side of the floating bridges.~~

~~(d) Chumming is permissible.~~

~~(e))~~ (b) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(c) Trout:

(i) December 1 through the last day in February: Release steelhead and rainbow trout over 20 inches in length.

(ii) March 1 through June 30:

(A) Minimum length 12 inches.

(B) Release steelhead and rainbow trout over 20 inches in length.

~~((f))~~ (d) Salmon:

(i) Open September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge.

(ii) Daily limit 4 coho only.

~~((385))~~ (260) Washington Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge):

~~(a) ((Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(b) East))~~ West of the Fremont Bridge: Chumming is ((permissible)) prohibited.

~~((c))~~ (b) From the west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

~~((d))~~ (c) From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary:

(i) Open year-round for game fish.

(ii) Trout:

(A) Open December 1 through the last day in February: No minimum length.

(B) Open March 1 through June 30: Minimum length 12 inches.

(C) Open July 1 through November 30: No minimum length.

(D) Release steelhead and rainbow trout over 20 inches in length.

~~((386) Waughop Lake (Pierce County): Landlocked salmon rules apply.~~

~~(387))~~ (261) Whatcom Creek (Whatcom County):

(a) From the mouth to the markers below the footbridge below Dupont Street in Bellingham:

(i) Open the ~~((first))~~ Saturday ((in June)) before Memorial Day through December 31.

(ii) August 1 through December 31:

(A) Anti-snagging rules ~~((applies)).~~

(B) Night closure ~~((in effect)).~~

(iii) Trout: Daily limit 2; minimum length 14 inches.

(iv) Salmon: Open August 1 through December 31.

(A) Daily limit 6; anglers may retain up to 2 adult salmon.

(B) Release wild coho.

(C) Anglers fishing lawfully within 50 yards of the Bellingham Technical College Hatchery Collection Tube and on the hatchery side of the creek that hook and land chum salmon may remove those chum salmon from the water and immediately place them unharmed into the Hatchery Collection Tube.

(b) From the footbridge below Dupont Street in Bellingham to the stone bridge at Whatcom Falls Park:

~~((i) ((Open the first Saturday in June through October 31.~~

~~((ii))~~ From August 1 through October 31:

(A) Anti-snagging rules ~~((applies)).~~

(B) Night closure ~~((in effect)).~~

~~((iii))~~ (ii) Trout: Daily limit 2; minimum length 14 inches.

(c) From the stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Open the fourth Saturday in April through October 31 for juvenile anglers only. Trout: No minimum length.

~~((388))~~ (262) Whatcom, Lake (Whatcom County):

~~(a) ((Open the fourth Saturday in April through October 31, except))~~ The waters between the Electric Avenue Bridge and the outlet dam ((are)): Closed waters.

(b) Open the fourth Saturday in April through October 31.

(c) Cutthroat trout: Catch and release only.

~~((389))~~ (263) Whatcom, Lake, tributaries (Whatcom County): Closed waters.

~~((390))~~ (264) White (Stuck) River (Pierce County):

~~((a))~~ From ((the mouth to R Street Bridge in Auburn, open November 1 through January 15)) October 1 through October 31:

~~((i))~~ (a) Night closure ((in effect)).

~~((ii))~~ (b) Selective gear rules ((apply)).

~~((iii))~~ Trout minimum length 14 inches.

~~(b) From R Street Bridge to the Highway 410 Bridge at Buckley:~~

~~(i) Open October 1 through October 31, except closed in the Puget Power canal, including the screen bypass channel above the screen at Dingle Basin.~~

~~(ii) Selective gear rules apply.~~

~~(iii) Night closure in effect.~~

~~(iv) Trout: Minimum length 14 inches.~~

~~(e) From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) upstream to the source:~~

~~(i) Open July 1 through October 31.~~

~~(A) October 1 through October 31: Night closure in effect.~~

~~(B) Selective gear rules apply.~~

~~(C) Catch and release only.)~~ (c) All species: Catch and release fishing only.

(i) Cascade Water Alliance canal, including the screen bypass channel above the screen at Dingle Basin: Closed waters.

(ii) Whitefish: Open ((for whitefish only November 1 through January 31;)) December 1 through the last day in February: Whitefish gear rules ((apply)).

~~((391))~~ (265) ((Whitechuck)) White Chuck River (Snohomish County):

(a) ((Open the first Saturday in June through July 15.

~~(b))~~ Selective gear rules ~~((apply))~~.

~~((e))~~ (b) It is permissible to retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

~~((392))~~ ~~Wildberry Lake (Mason County):~~ Open the fourth Saturday in April through October 31.

~~((393))~~ (266) Wildcat Creek (Kitsap County):

(a) Selective gear rules.

(b) Trout: Daily limit 2; minimum length 14 inches.

(267) Wildcat Lake (Kitsap County): Open the fourth Saturday in April through October 31.

~~((394))~~ (268) Wilderness Lake (King County):

(a) Open the fourth Saturday in April through October 31.

(b) Landlocked salmon rules ~~((apply))~~.

~~((395))~~ (269) Wilkeson Creek (Pierce County (South Prairie Creek tributary) (upstream of confluence with Gale Creek)): ~~((Open the first Saturday in June through August 31 and October 16 through October 31.~~

~~((396))~~ From the mouth to the confluence with Gale Creek: Closed waters.

(270) Woodard Creek (Thurston County):

(a) ~~((Open the first Saturday in June through October 31.~~

~~(b))~~ Selective gear rules ~~((apply))~~.

~~((e))~~ (b) Trout: Daily limit 2; minimum length 14 inches.

~~((397))~~ (271) Wood Lake (Mason County): Open the fourth Saturday in April through October 31.

~~((398))~~ (272) Woodland Creek (Thurston County):

(a) ~~((Open the first Saturday in June through October 31.~~

~~(b))~~ Selective gear rules ~~((apply))~~.

~~((e))~~ (b) Trout: Daily limit 2; minimum length 14 inches.

~~((399))~~ ~~Woods Creek, East Fork (Snohomish County) (Skykomish River tributary):~~ Open the first Saturday before Memorial Day through October 31 upstream of Old Pipeline Road above Woods Creek Falls, including tributaries and beaver ponds.

~~(400))~~ (273) Wooten Lake (Mason County): Open the fourth Saturday in April through October 31.

~~((401))~~ ~~Wye Lake (Kitsap County):~~ Open the fourth Saturday in April through October 31.

~~(402)~~ ~~Youngs Creek (Snohomish County) (Skykomish River tributary) (Elwell Creek tributary, Skykomish River tributary near town of Sultan):~~ Open the Saturday before Memorial Day through October 31 above Potson Road (299th Avenue S.E. Bridge) including all tributaries and beaver ponds.)

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

AMENDATORY SECTION (Amending WSR 17-17-029, filed 8/8/17, effective 9/8/17)

**WAC 220-312-050 Freshwater exceptions to statewide rules—Eastside. (1) Countywide freshwater exceptions to statewide rules:**

(a) Irrigation canals, wasteways, drains and the inlets and outlets of all lakes, ponds, and reservoirs ~~((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.

~~((e))~~ ~~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))~~.

(b) Fly fishing only.

~~((b))~~ (c) It is unlawful to fish from a floating device equipped with a motor.

~~((e))~~ (d) Trout: ~~((Limit one.))~~ Daily limit 1; minimum length 18 inches.

(3) Ahtanum Creek, ((including North and Middle Forks)) (Yakima County): ~~((a))~~ Selective gear rules ~~((apply))~~.

~~((b))~~ Trout minimum length ten inches.

~~(e)~~ ~~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) Ahtanum Creek, North Fork (Yakima County):

(a) From the Grey Rock Trailhead Bridge crossing upstream to Shellneck Creek: Closed waters.

(b) Selective gear rules.

(5) Ahtanum Creek, Middle Fork (Yakima County):

(a) From the A2000 Spur Road Bridge in NE 1/4 of Section 34 upstream to the A2800 Road Bridge at Tree Phones Campground: Closed waters.

(b) Selective gear rules.

(6) Alta Lake (Okanogan County): Open the fourth Saturday in April through October 31.

~~((5))~~ (7) 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))~~ (d) Trout: Daily limit ~~((two))~~ 1; minimum length ~~((fourteen))~~ 18 inches.

~~((B))~~ ~~Release rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin.~~

~~((6))~~ (8) 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)) Closed waters from July 16 through September 15.~~

~~((9)) **Amon Wasteway (Benton County):** ~~((a))~~ Selective gear rules ~~((apply~~~~

~~(b) Trout minimum length ten inches).~~

~~((8)) **(10) Andrews Creek (tributary to Chewuch River) (Okanogan County):** From the mouth to the falls approximately 0.5 miles upstream: Closed waters.~~

~~**(11) 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)) ~~((c))~~ North Fork from the USFS boundary upstream and all other tributaries: Closed waters.~~

~~((e)) ~~((d))~~ South Fork and all tributaries: Closed waters.~~

~~((9)) **B.C. Mill Pond (Stevens County):** Open the fourth Saturday in April through October 31.~~

~~((10)) **(12) 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)) **(13) Bayley Lake (Stevens County):**~~

~~(a) Inlet stream: Closed waters.~~

~~(b) Open the fourth Saturday in April through October 31.~~

~~(c) Fly fishing only.~~

~~((e)) ~~((d))~~ 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)) **(14) Bear Creek (tributary to South Fork Tieton River) (Yakima County) ~~((tributary to South Fork Tieton River))~~:** ~~((Open upstream of the Bear Creek Falls, approximately 3/4 mile upstream of USFS Road 1000.~~~~

~~((14)) From the mouth to the falls (approximately 0.75 mile): Closed waters.~~

~~**(15) Bear Lake (Spokane County):** Open to juvenile anglers, ~~((licensed adults accompanied by a juvenile,))~~ senior~~

anglers, 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 Creek (tributary to Methow River)**~~

~~**(Okanogan County):** Closed waters.~~

~~**(17) Beaver Lakes (Big and Little) (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.))~~ Daily limit 1; minimum length 18 inches.~~

~~(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)) **(20) Beth Lake (Okanogan County):** Open the fourth Saturday in April through October 31.~~

~~((22)) **(21) 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: Daily limit ~~((two))~~ 2; minimum length 14 inches.~~

~~((23)) **(22) Big Meadow Creek and tributaries (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)) Closed waters.~~

~~**(23) 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)) (24) 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)) Daily limit 1; minimum length 18 inches.~~

~~((25)) Blackbird Island Pond (Chelan County): Open July 1 through September 30 for juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.~~

~~((29)) (26) Black Canyon Creek (tributary to Methow River) (Okanogan County): Closed waters.~~

~~((27)) 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)) (28) Black Lake (Stevens County): Open the fourth Saturday in April through October 31.~~

~~((31)) Blockhouse Creek (Klickitat County): Trout limit five.~~

~~((32)) (29) 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)) (30) Blue Lake (Grant County): Open the fourth Saturday in April through September 30.~~

~~((34)) (31) 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)) ~~((d))~~ Trout: ~~((Limit one))~~ Daily limit 1; minimum length 18 inches.~~

~~((35)) (32) 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)) Daily limit 1, minimum length 18 inches.~~

~~((33)) Bobcat Creek and Ponds (Adams County): Open ~~((April 4))~~ the fourth Saturday in April through September 30.~~

~~((37)) (34) Bonaparte Creek (Okanogan County):~~

~~From the mouth to the falls ~~((upstream to))~~ approximately 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)) upstream: Closed waters.~~

~~((35)) 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)) (36) 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)) Closed waters.~~

~~((37)) 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:~~

~~((a)) Selective gear rules ~~((apply))~~.~~

~~((b)) 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)) (38) 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)) (39) Buck Creek and tributaries (tributary to Chiwawa) (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.~~



~~(e) Kokanee: Limit sixteen; kokanee do not count towards the trout limit.~~

~~(46)) Selective gear rules.~~

~~(40) **Buckskin Creek and tributaries (Yakima County):** From the mouth to the west boundary of Suntides Golf Course: Closed waters.~~

~~(41) **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.~~

~~(e) 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); selective gear rules.~~

~~((48)) (42) **Burke Lake (Grant County):** Open March 1 through ~~((July 31))~~ September 30.~~

~~((49)) (43) **Buttermilk Creek (tributary to Twisp River) (Okanogan County), including all tributaries:**~~

~~(a) Open the Saturday before Memorial Day through August 15.~~

~~(b) All species: Catch and release fishing only.~~

~~(c) Selective gear rules ~~((apply))~~.~~

~~((50)) (44) **Buzzard 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))~~ Daily limit 1; minimum length 18 inches.~~

~~((51)) (45) **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)) Open the fourth Saturday in April through October 31.~~

~~(46) **Caliche Lakes, Upper (Grant County):** Open March 1 through ~~((July 31))~~ September 30.~~

~~((53)) (47) **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)) (48) **Campbell Lake (Okanogan County):**~~

~~(a) ~~((Open year-round.~~~~

~~(b) April 1 through August 31.~~

~~(i)) Selective gear rules ~~((apply))~~.~~

~~((ii)) (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~((iii) Catch and release only.~~

~~(56)) (c) Trout: Daily limit 2; minimum length 14 inches.~~

~~(49) **Carl's Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.~~

~~((57)) (50) **Cascade Lake (Grant County):** Open March 1 through ~~((July 31))~~ September 30.~~

~~((58)) (51) **Cattail Lake (Grant County):** Open ~~((April 1))~~ the fourth Saturday in April through September 30.~~

~~((59)) (52) **Cedar Creek (tributary to Early Winters Creek) (Okanogan County):**~~

~~(a) From the mouth to Cedar Falls:~~

~~(i) Open the Saturday before Memorial Day through August 15.~~

~~((ii)) (ii) Selective gear rules ~~((apply))~~.~~

~~((iii)) (iii) All species: Catch and release fishing only.~~

~~(b) ~~((Cedar Creek and all tributaries above))~~ From Cedar Falls upstream including all tributaries: ~~((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)) (53) **Cedar Lake (Stevens County):** Open the fourth Saturday in April through October 31.~~

~~((62)) (54) **Chain Lake (Pend Oreille County):**~~

~~(a) Open the fourth Saturday in April through October 31.~~

~~(b) Release kokanee.~~

~~((63)) (55) **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)) (56) **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)) (b) 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:

(1) Release wild cutthroat.

(H) Kokanee and lake trout do not count toward the trout limit.

(B) Kokanee: Limit 10.

(65)) minimum length 15 inches.

(c) No catch record card required.

(57) 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)).~~

~~((e)) (b) Trout: Release wild cutthroat.~~

~~((66)) (58) Chelan River (Chelan County): From the railroad bridge to the Chelan PUD safety barrier below the power house:~~

~~(a) ((Open May 15 through August 31.~~

~~(b)) July 1 through October ((15)) 31: Anti-snagging rule and night closure ((in effect)).~~

~~((e)) (b) Trout: Catch and release fishing only.~~

~~((d)) (c) Salmon:~~

~~(i) Open July 1 through October ((15)) 31.~~

~~(ii) Barbless hooks required.~~

~~(iii) Minimum ((size)) length 12 inches; limit 4; no more than 2 adult hatchery Chinook may be retained.~~

~~(iv) Release coho and wild adult Chinook.~~

~~((67)) (d) From the Chelan PUD safety barrier below the power house upstream to Chelan Lake: Closed waters.~~

(59) 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)) All species: Catch and release fishing only.~~

(b) From the mouth to Pasayten Wilderness boundary falls: Whitefish:

(i) Open December 1 through ((March 31)) the last day in February for whitefish only((:)).

(ii) Whitefish gear rules ((apply)).

~~((e) From the Pasayten Wilderness boundary falls upstream, including tributaries: Open the Saturday before Memorial Day through October 31.~~

~~(68)) (60) 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)) Closed waters.~~

~~(61) Chiwaukum Creek and all tributaries ((from Fool Hen Creek upstream, not including Fool Hen Creek)) (Chelan County):~~

~~(a) From the mouth to Fool Hen Creek, including Fool Hen Creek and tributaries: Closed waters.~~

~~(b) From Fool Hen Creek upstream: 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)) (62) Chiwawa River ((and all tributaries from Buck Creek upstream, including Buck Creek)) (Chelan County):~~

~~(a) From the mouth to Buck Creek: Closed waters.~~

~~(b) From Buck Creek upstream and all tributaries: 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)) (63) Chopaka Lake (Okanogan County):~~

~~(a) Open the fourth Saturday in April through October 31 ((for)).~~

~~(b) Fly fishing only.~~

~~((b)) (c) It is unlawful to fish from a floating device equipped with a motor.~~

~~((e)) (d) Trout: ((Limit one)) Daily limit 1; minimum length 18 inches.~~

~~((72)) (64) 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)) Closed waters.~~

~~(65) Clear Creek (tributary to Chiwawa River) (Chelan County): Closed waters.~~

~~((74)) (66) 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)) (67) Clear Lake (Spokane County): Open the fourth Saturday in April through October 31.~~

~~((76))~~ (68) 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: Daily limit 5; minimum length 9 inches and maximum length 15 inches.~~

~~((77))~~ (69) 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 fishing only.~~

~~(iv) It is permissible to fish up to the base of Cle Elum Dam.~~

~~(v) Whitefish:~~

~~(A) December 1 through ~~((January 31:))~~ last day in February for Whitefish only.~~

~~(B) Whitefish gear rules ~~((apply))~~.~~

~~(b) From above Cle Elum Lake to outlet of Hyas Lake ~~((not including Tucuala Lake):~~~~

~~(i) Open the Saturday before Memorial Day through October 31.~~

~~(ii) Selective gear rules apply.~~

~~(iii) Trout minimum size ten inches.~~

~~(e) 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))): Selective gear rules.~~

~~(70) Cliff Lake (Grant County): Open March 1 through ~~((July 31))~~ September 30.~~

~~((79))~~ (71) 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: Daily limit ~~((one))~~ 1; minimum length ~~((eighteen))~~ 18 inches.~~

~~((80))~~ (72) 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, senior anglers, and anglers with a disability who possess a designated harvester companion card only.~~

~~((e) Trout: Limit 3; no minimum size.~~

~~(81))~~ (73) Columbia Park Pond (Benton County): ~~((a))~~ Open to juvenile anglers, senior 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))~~ (74) Conconully Lake (Okanogan County): Open the fourth Saturday in April through October 31.

~~((85))~~ (75) Conconully Reservoir (Okanogan County): Open the fourth Saturday in April through October 31.

~~((86))~~ (76) Conger Pond (Pend Oreille County): Open the fourth Saturday in April through October 31.

~~((87))~~ (77) Conner Lake (Okanogan County): Open the fourth Saturday in April through October 31.

~~((88))~~ (78) Cooper River (Kittitas County): From the mouth to Cooper Lake: Selective gear rules.

~~(79) Coot Lake (Grant County): Open the fourth Saturday in April ~~((+))~~ through September 30.~~

~~((89))~~ (80) 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))~~ (81) 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))~~ (82) 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))~~ ~~(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~((94))~~ ~~(c) Trout: Daily limit 2; minimum length 14 inches.~~

~~(83) Cowiche Creek (Yakima County): Selective gear rules.~~

~~(84) Coyote Creek and Ponds (Adams County): Open the fourth Saturday in April ~~((+))~~ through September 30.~~

~~((95))~~ (85) Crab Creek (Adams/Grant/Lincoln counties):

~~(a) From the mouth to Morgan Lake Road ~~((in Section 36):~~ Open ~~((April 1))~~ the Saturday before Memorial Day through September 30.~~

~~(b) From Morgan Lake Road ~~((in Section 36))~~ to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.~~

~~(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)) O'Sullivan Dam upstream to Grant County Road 7 NE: Open year-round and should follow statewide lake rules.

(d) From Grant County ((~~Rd.~~) Road 7 NE upstream (including all tributaries, except Goose Creek in the city of Wilbur): Open year-round and should follow statewide lake rules.

((~~96~~)) (86) 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~~)) (87) Crescent Lake (Pend Oreille County):

Open the fourth Saturday in April through October 31.

((~~98~~)) (88) Crystal Lake (Grant County): Open

March 1 through ((~~July 31~~) September 30).

((~~99~~)) (89) Cub Creek (tributary to Chewuch River)

(Okanogan County): From mouth upstream to West Chewuch Road Bridge: Closed waters.

(90) Cup Lake (Grant County): Open March 1 through ((~~July 31~~) September 30).

((~~100~~)) (91) Curl Lake (Columbia County):

(a) Open the ((~~fourth~~) Saturday ((~~in April~~) before Memorial Day 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~~)) (92) Davis Lake (Ferry County): Open the

fourth Saturday in April through October 31.

((~~103~~)) (93) Davis Lake (Okanogan County):

(a) ((~~Open year-round~~;

(~~b~~) April 1 through August 31;

(~~i~~)) Selective gear rules ((~~apply~~)).

((~~ii~~)) (b) 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~~)) (c) Trout: Daily limit 2; minimum length 14 inches.

(94) Dayton Pond (Columbia County): ((~~a~~)) Open to juvenile anglers, senior 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~~)) (95) Deadman Lake (Adams County): Open the fourth Saturday in April ((~~+~~)) through September 30.

((~~107~~)) (96) Deep Creek (tributary to Bumping Lake) (Yakima County): ((~~Upstream~~)) From the mouth to the waterfall approximately ((~~4/3~~) 0.33 mile above the second bridge crossing on USFS Road 1808 ((~~upstream~~ Open the Saturday before Memorial Day through October 31)) (approximately 3.7 miles from the junction of USFS Roads 1800 and 1808): Closed waters.

((~~108~~)) (97) Deep Lake (Grant County): Open the fourth Saturday in April through September 30.

((~~109~~)) (98) Deep Lake (Stevens County): Open the fourth Saturday in April through October 31.

((~~110~~)) (99) 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)) It is unlawful to fish from any floating device.

((~~111~~)) (100) Deer (Deer Springs) Lake (Lincoln County): Open the fourth Saturday in April through September 30.

((~~112~~)) (101) Deer Lake (Stevens County): ((~~a~~)) Open March 1 through ((~~October 31~~) November 30.

((~~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~~)) (102) De Roux Creek (Kittitas County): From the mouth to the USFS trail 1392 (De Roux Creek Trail) stream crossing (approximately 1 river mile): Closed waters.

(103) Dog Creek (tributary to Chewuch) (Okanogan County): From mouth upstream to falls approximately 1.5 miles: Closed waters.

(104) Domerie Creek (Kittitas County): ((~~a~~)) Selective gear rules ((~~apply~~)).

((~~b~~) Trout minimum size ten inches.

((~~116~~)) (105) Downs Lake (Lincoln/Spokane counties): ((~~a~~)) Open March 1 through September 30.

((~~b~~) Crappie: Limit ten; minimum length nine inches.

((~~117~~)) (106) Dry Falls Lake (Grant County):

(a) Open ((~~April~~) 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: Daily limit ((~~one~~) 1; minimum length 18 inches.

((~~118~~)) (107) Dune Lake (Grant County):

(a) Selective gear rules ((~~apply~~)).

(b) Trout: Daily limit ((~~one~~) 1; minimum length 18 inches.

((~~119~~)) (108) 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: Daily limit ((~~one~~) 1; minimum length 18 inches.

~~(109) **Eagle Creek (tributary to Twisp River) (Okanogan County):** From mouth upstream to the falls approximately 0.5 miles: Closed waters.~~

~~((120)) **(110) Early Winters Creek (tributary to Methow River) (Okanogan County):**~~

~~(a) From the mouth upstream to Forest Road 300: Closed waters.~~

~~(b) From Forest Road 300 upstream; including all tributaries except Cedar Creek:~~

~~((a)) (i) Open the Saturday before Memorial Day through August 15.~~

~~((b)) (ii) Selective gear rules ((apply)).~~

~~((c) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~((d)) (iii) All species: Catch and release fishing 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)) **(111) Eightmile Creek (tributary to Chewuch River) (Okanogan County):** From the mouth upstream to Forest Road 5130 Bridge: Closed waters.~~

~~(112) **Elbow Lake (Stevens County):** Open the fourth Saturday in April through October 31.~~

~~((124)) **(113) 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)) **(114) Lake Entiat (Col.R.) tributaries (Chelan/Douglas ((County)) counties):** 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)) **(115) 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 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:~~

~~(i) Whitefish;~~

~~(ii) Open December 1 through ((March 31;)) the last day in February for whitefish only.~~

~~(iii) 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)) **(116) Ephrata Lake (Grant County):** Closed waters.~~

~~((130)) **(117) Empire Lake (Ferry County):** Open the fourth Saturday in April through October 31.~~

~~((131)) **(118) Esquatzel Coulee (Franklin County):** Open year-round.~~

~~((132)) **(119) Esquatzel Coulee, West Branch (Franklin County):** Open year-round.~~

~~((133)) **(120) Falls Creek (tributary to Chewuch River) (Okanogan County):** From mouth upstream to the falls approximately 1.5 miles: Closed waters.~~

~~(121) **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)) **(122) 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~~) **(123) Fiorito 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)) **(124) Fish Lake (Okanogan County):** Open the fourth Saturday in April through October 31.~~

~~((139)) **(125) 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)) **(126) 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)) **(127) Fishtrap Lake (Lincoln/Spokane counties):** Open the fourth Saturday in April through September 30.~~

~~((142)) **(128) Forde Lake (Okanogan County):** Open the fourth Saturday in April through October 31.~~

~~((143))~~ (129) 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.

~~((e) Trout: It is unlawful to retain more than two trout over fourteen inches in length.~~

~~((144))~~ (130) Frank's Pond (Chelan County):

(a) Open the fourth Saturday in April through October 31.

(b) Open to juvenile anglers only.

(131) 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))~~ (132) Gadwall Lake (Grant County): Open the fourth Saturday in April ~~((+))~~ through September 30.

~~((147))~~ (133) 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))~~ (134) Goat Creek (tributary to Methow River) (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))~~ ~~Closed waters.~~

(135) Gold Creek, Gold Creek Pond and outlet channel (tributary to Keechelus Lake): Including that portion of Gold Creek that flows through the dry Keechelus Reservoir lakebed: Closed waters.

(136) Gold Creek (tributary to Methow River) (Okanogan County): Closed waters.

(137) Goose Creek (Lincoln County), within the city limits of Wilbur: Open ~~((year-round))~~ to juvenile anglers, senior 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))~~ (138) 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))~~ (a) From the mouth to County Road Bridge, about 2.5 miles upstream:

(i) Open year-round for game fish other than trout and steelhead.

(ii) From August 1 through April 15: Selective gear rules.

(iii) Trout:

(A) Open from the Saturday before Memorial Day through October 31.

(B) Daily limit 2; no minimum length for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(iv) Steelhead:

(A) Open January 1 through April 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(B) August 1 through December 31; catch and release fishing only.

(b) From the County Road Bridge upstream to the Oregon state line:

(i) Open year-round for game fish other than trout and steelhead.

(ii) From August 1 through April 15: Barbless hooks required.

(iii) Trout:

(A) Open from the Saturday before Memorial Day through October 31.

(B) Daily limit 2; no minimum length for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(iv) Steelhead: Open August 1 through April 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) All tributaries: Closed waters.

~~(139) **Green Lakes (Lower and Upper) (Okanogan County):**~~

~~(a) Open year-round.~~

~~(b) March 1 through November 30.~~

~~(i) Selective gear rules ((apply)).~~

~~((ii)) (b) 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)) (c) Trout: Daily limit 2; minimum length 14 inches.~~

~~(140) **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)) Daily limit 1; minimum length 18 inches.~~

~~((158)) (141) **Halfmoon Lake (Adams County):**~~

~~Open the fourth Saturday in April ((+)) through September 30.~~

~~((159) **Halfmoon Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.~~

~~(160)) (142) **Hampton Lakes((s)) (Lower and Upper) (Grant County): ((+))** 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.~~

~~(161)) (143) **Harris Lake (Grant County):**~~

~~(a) Selective gear rules ((apply)).~~

~~(b) Trout: Daily limit ((one)) 1; minimum length 18 inches.~~

~~((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)) (144) **Hatch Lake (Stevens County): ((+))** Open the ((first)) Friday after Thanksgiving Day 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)) (145) **Hays Creek and Ponds (Adams County):** Open the fourth Saturday in April ((+)) through September 30.~~

~~((166)) (146) **Headgate Pond (Asotin County):** Open ((the fourth Saturday in April through October 31)) to juvenile anglers, senior((s)) anglers, and anglers with a disability who possess a designated harvester companion card only.~~

~~((167)) (147) **Hen Lake (Grant County):** Open the fourth Saturday in April ((+)) 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)) (148) **Hog Canyon Creek (Spokane County):** From the mouth to Scroggie Road: Closed waters.~~

~~(149) **Hog Canyon Lake (Spokane County): ((+))** Open the ((first)) Friday after Thanksgiving Day through March 31.~~

~~((b) Trout: It is unlawful to retain more than two trout over fourteen inches in length.~~

~~(171)) (150) **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: Daily limit ((one)) 1; minimum length 18 inches.~~

~~((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)) (151) **Hourglass Lake (Grant County):** Open the fourth Saturday in April ((+)) through September 30.~~

~~((175) **Huff Lake (Pend Oreille County):** Closed.~~

~~(176)) (152) **Hutchinson Lake (Adams County): ((+))** 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.~~

~~(177)) (153) **I-82 Ponds, 1 through 7 (Yakima County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~((178)) (154) **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:~~

~~Salmon:~~

~~(i) Open for hatchery Chinook salmon only.~~

~~(ii) Open May 15 to July 31((s)).~~

~~(iii) Night closure ((in effect)).~~

~~((iii) Minimum length 12 inches.))~~

~~(iv) Daily limit 2; minimum length 12 inches.~~

~~(v) It is unlawful to retain more than 2 hatchery Chinook.~~

~~((e)) (b) From shoreline markers where Cyo Road would intersect the Icicle River at the Sleeping Lady Resort to the Icicle Peshastin Irrigation District footbridge (approx-~~

mately 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)) (i) Open for hatchery Chinook only.

~~((B)) (ii) Open May 15 to July 31((?)).~~

~~(iii) Night closure ((in effect)).~~

~~((C) Minimum length 12 inches.~~

~~(D)) (iv) Daily limit 2; minimum length 12 inches.~~

~~(v) 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.~~

~~(C)) (c) 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)) (155) **Indian Creek (Yakima County):** From the mouth to the waterfall approximately six miles upstream: Closed waters.~~

~~(156) **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)) From the mouth to Alpine Lakes Wilderness boundary and all tributaries: Closed waters.~~

~~(157) **Jameson Lake (Douglas County):** Open the fourth Saturday in April through ((July 4 and October 1 through)) October 31.~~

~~((183)) (158) **Jasmine Creek (Okanogan County):** Open year-round to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.~~

~~((184)) (159) **Jefferson Park Pond (Walla Walla County):** ((a)) Open to juvenile ((fishers)) anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.~~

~~((b) It is unlawful to retain more than 2 trout over 13 inches in length.~~

~~(185)) (160) **Jolanda, Lake (Chelan County):** Closed waters.~~

~~((186) **Jump-Off Joe Lake (Stevens County):** Open the fourth Saturday in April through October 31.~~

~~(187)) (161) **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)) Trout: Daily limit 2; minimum length 14 inches.~~

~~(162) **Kachess River (Kittitas County):**~~

~~(a) From the ((mouth to Kachess Dam:~~

~~(i)) Kachess Lake (Reservoir) upstream to the waterfall approximately 0.5 miles above Mineral Creek: Closed waters.~~

~~(b) It is permissible to fish up to the base of Kachess Dam.~~

~~((ii)) (c) From the mouth to Kachess Dam: 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)) (163) **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)) Trout: Daily limit 2; minimum length 14 inches.~~

~~(164) **Kettle Creek (tributary to American River) (Yakima County):** Closed waters.~~

~~(165) **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)) (a) Selective gear rules ~~((apply))~~, except for juvenile anglers, from the Canadian border upstream to Highway 21 Bridge at Curlew.~~

~~((iii)) (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~((iv)) (c) Trout: Daily limit 2; minimum length ((12)) 14 inches.~~

~~((v)) (d) Whitefish:~~

~~(i) Open ~~((November)) December 1~~ through ~~((May 31)) the last day in February~~ for whitefish only.~~

~~(ii) Whitefish gear rules ~~((apply))~~.~~

~~((e) Tributaries to Kettle River, from Barstow Bridge upstream: Open from the Saturday before Memorial Day through October 31.~~

~~(193)) (166) Kings Lake and tributaries (Pend Oreille County): Closed waters.~~

~~((194)) (167) Kiwanis Pond (Kittitas County): Open to juvenile anglers, senior 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.~~

~~(ii) 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)) (168) Lake Creek (Okanogan County):~~

~~(a) From the mouth to Black Lake: Closed waters.~~

~~(b) From Black Lake to Three Prong Creek: Closed waters.~~

~~((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 Clere 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)) (169) Ledbetter Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.~~

~~((201)) (170) Ledking Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.~~

~~((202)) (171) 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)) Daily limit 1; minimum length 18 inches.~~

~~(172) Lemna Lake (Grant County): Open the fourth Saturday in April ((+)) through September 30.~~

~~((204)) (173) 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: Daily limit ~~((one)) 1~~; minimum length 18 inches.

~~((205))~~ **(174) 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 waters.

(b) Open March 1 through November 30.

(c) Selective gear rules ~~((apply)).~~

~~((e)) 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)) (d) Trout: Daily limit 1; minimum length 18 inches.~~

**(175) Libby Creek (Tributary to Methow River) (Okanogan County):** Closed waters.

**(176) Liberty Lake (Spokane County):** Open March 1 through October 31.

~~((208))~~ **(177) 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))~~ **(178) Lions Park Pond (Walla Walla County):** ~~((a))~~ Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card 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))~~ **(179) Little Bridge Creek (tributary of Twisp River) (Okanogan County):**

(a) Open the Saturday before Memorial Day through August 15.

(b) All Species: Catch and release fishing only.

(c) Selective gear rule.

**(180) Little Falls Reservoir (Spokane River) (Lincoln County):** From Little Falls Dam to Long Lake Dam: Land-locked salmon rules.

**(181) Little Lost Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((212))~~ **(182) Little Naches River including all tributaries (Yakima County):** Selective gear rules.

**(183) Little Pend Oreille River and all tributaries (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))~~ Selective gear rules.

**(184) Little Spokane River and tributaries (Spokane County):**

~~(a) ((Open year-round from the mouth to the SR 291 Bridge.))~~ From the inlet of Chain Lake upstream 0.25 mile to the railroad crossing culvert: Closed waters.

~~(b) From the SR 291 Bridge upstream ((to the West Branch:~~

~~(i) Open the fourth Saturday in April through October 31.~~

~~(ii))):~~ Whitefish:

~~(i) Open December 1 through ((March 31)) the last day in February for whitefish only((;)).~~

~~(ii) 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 Fridgeger 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))~~ **(185) 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))~~ Daily limit 1; minimum length 18 inches.

~~((215))~~ **(186) Little Twin Lake (Stevens County):** Open the fourth Saturday in April through October 31.

~~((216))~~ **(187) Little Wenatchee River (Chelan County):** ~~((a))~~ From the ~~((falls below))~~ USFS ~~((Rd.))~~ road 6700 Bridge upstream including all tributaries: ~~((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))~~ Selective gear rules.

~~((217))~~ **(188) 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))~~ **(189) Long Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

~~((219))~~ **(190) Long Lake (Spokane River) (Spokane County):** From Long Lake Dam to Nine Mile Dam, including Little Spokane River from the mouth to the SR 291 Bridge: Landlocked salmon rules ((apply)).

~~((220))~~ **(191) 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))~~ **(192) Lost Lake (Kittitas County):** ~~((It is unlawful to retain more than one trout over 14 inches in length.~~

~~(222))~~ Trout: Daily limit 2; minimum length 14 inches.

**(193) 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))~~ **(194) Lost River (tributary to Methow River) (Okanogan County):**

(a) From the mouth to the mouth of Monument Creek: Closed waters.

~~((Lost River and all tributaries))~~ (b) From the mouth of Monument Creek ((to the outlet of Cougar Lake)) including all tributaries upstream to Deception Creek, including Monument Creek:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules ~~((apply)).~~

(iii) All species: Catch and release fishing 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))~~ **(195) 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))~~ From the mouth to Windy Creek, including Windy Creek: Closed waters.

~~(b) From Windy Creek upstream(, not including Jimmy Creek: Open the Saturday before Memorial Day through October 31.~~

~~(226))~~: Selective gear rules.

**(196) Manastash Creek (Kittitas County):** Selective gear rules.

**(197) Marshall Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((227))~~ **(198) Martha Lake (Grant County):** Open March 1 through ~~((July 31))~~ September 30.

~~((228))~~ **(199) Mattoon Lake (Kittitas County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((229))~~ **(200) 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))~~ **(201) McDowell Lake (Stevens County):**

(a) Open the fourth Saturday in April through October 31 ~~((for)).~~

(b) Fly fishing only.

~~((b))~~ (c) It is unlawful to fish from a floating device equipped with a motor.

~~((e))~~ (d) All species: Catch and release fishing only.

~~((231))~~ **(202) McManaman Lake (Adams County):** Open the fourth Saturday in April ((+)) through September 30.

~~((232))~~ **(203) Medical Lake (Spokane County):**

(a) Open March 1 through ~~((October 31))~~ November 30.

(b) Selective gear rules ~~((apply)).~~

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Trout: Daily limit ((two)) 2; minimum length ((fourteen)) 14 inches.

~~((233))~~ **(204) Medical Lake, West (Spokane County):** Open the fourth Saturday in April through September 30.

~~((234))~~ **(205) 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))~~ Selective gear rules.

**(206) 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: Daily limit ((one)) 1; minimum length 18 inches.

~~((237))~~ **(207) 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)).~~

~~((It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(iv))~~ All species: Catch and release fishing only.

(b) All tributaries from the mouth to Gold Creek except Black Canyon Creek and Gold Creek:

(i) Selective gear rules.

(ii) Trout: Catch and release fishing only, except it is permissible to retain eastern brook trout.

(c) 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)) All species: Catch and release fishing only.~~

~~((e)) (d) Methow River tributaries from Gold Creek to Foghorn Dam; except Twisp River ((and)), Chewuch River, Libby Creek, and Beaver 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)) (ii) 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)) fishing except it is permissible to retain eastern brook trout.~~

(c) From Foghorn Dam to Weeman Bridge including tributaries:

(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)) fishing except it is permissible to retain eastern brook trout.~~

~~(iv) Whitefish:~~

~~(A) Open December 1 through the last day in February for Whitefish only.~~

~~(B) Whitefish gear rules.~~

(f) 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)) (ii) Trout: Catch and release ((only)) fishing except it is permissible to retain eastern brook trout.~~

~~((f)) (g) 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) Whitefish: Open December 1 through ((March 31)) the last day in February 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)) (208) Mill Creek (tributary to the Walla Walla River) (Walla Walla County):~~

~~(a) From the mouth to Bennington Dam, including tributaries: Closed waters.~~

~~(b) From Bennington Dam upstream((:)) excluding 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)) (c) All tributaries upstream of Bennington Dam: Closed waters.~~

~~(209) Mineral Creek (tributary to upper Kachess River) (Kittitas County): ((Statewide rules apply upstream of)) From the mouth to the Wilderness Boundary: Closed waters.~~

~~((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)) (210) Monument Creek (Okanogan County), including tributaries: Selective gear rules ((apply)).~~

~~((244)) (211) Morgan Lake (Adams County): Open the fourth Saturday in April ((+)) 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)) (212) Mud Lake (Yakima County):~~

~~(a) Selective gear rules ((apply)).~~

~~(b) It is unlawful to fish from a floating device equipped with ((an internal combustion)) a motor.~~

~~(c) Trout: ((Limit one)) Daily limit 1; minimum length 18 inches.~~

~~((247)) (213) Mudgett Lake (Stevens County): Open the fourth Saturday in April through October 31.~~

~~((248)) (214) 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: Daily limit ~~((two)) 2; minimum length 14 inches.~~

~~((249))~~ **(215) 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))~~ Daily limit 2; minimum length 14 inches.

~~((250) Myrtle Lake (Chelan County): Eastern brook trout no minimum size and no limit.~~

~~(251))~~ **(216) Mystic Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((252))~~ **(217) 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))~~ Daily limit 2; minimum length 14 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: ~~((+))~~ Whitefish:

~~(i) December 1 through ((January 31.~~

~~(ii) Only whitefish may be retained;~~

~~(iii)) the last day in February for whitefish only.~~

~~(ii) 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))~~ **(218) Naneum Creek and all tributaries (Kittitas County):** ~~((a))~~ Selective gear rules ~~((apply))~~.

~~((b) Trout: Minimum size ten inches.~~

~~(255))~~ **(219) Naneum Pond (Kittitas County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((256))~~ **(220) Napeequa River ((and all tributaries from Twin Lakes Creek upstream)) (Chelan County):** ~~((Open.~~

~~(257))~~ From mouth to Twin Lakes Creek (including Twin Lakes Creek and all tributaries: Closed waters.

**(221) Nason Creek (Chelan County):**

(a) From the mouth to Gaynor Falls: Closed waters.

~~(b) From ((Smith Brook to Stevens Creek:~~

~~(i) Open the Saturday before Memorial Day through October 31.~~

~~(ii))~~ Gaynor Falls (approximately 0.7 miles upstream of Whitepine Creek) upstream: 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.~~

~~(e) 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))~~ **(222) Nile Creek and all tributaries (Yakima County):** Selective gear rules.

**(223) No Name Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((261))~~ **(224) North Creek (tributary to Twisp River) (Okanogan County):** From the mouth upstream to Twisp River Road Bridge: Closed waters.

**(225) 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))~~ **(226) North Potholes Reserve Ponds (Grant County):** ~~((a))~~ Open ~~((February))~~ March 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))~~ **(227) Nunnally Lake (Grant County):**

(a) The outlet stream of Nunnally Lake is closed waters.

(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: Daily limit ~~((one)) 1; minimum length 18 inches.~~

~~((265))~~ **(228) Oak Creek and all tributaries (Yakima County):** Selective gear rules.

**(229) Okanogan River (Okanogan County):**

(a) Within the mainstem or tributaries open for game fish (~~(angling)~~): ~~((†))~~ 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) ((Hatchery trout: Open July 1 through August 15. Minimum size 12 inches. Daily limit 10. Barbless hooks required.)) Trout: Catch and release fishing only.~~

(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 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 fishing 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 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 waters.

(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 fishing 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 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.~~

~~(†)) Selective gear rules ((apply)).~~

~~((iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(iv)) (ii) Trout: Catch and release ((trout)) fishing only.~~

~~((266) Outlet Creek (Klickitat County):~~

~~(a) Open the Saturday before Memorial Day through October 31.~~

~~(b) Trout: Limit 5.~~

~~(267)) (230) Palouse River (Whitman County): From the mouth to the base of Palouse Falls:~~

~~(a) Open year-round ((from the mouth to the base of Palouse Falls.~~

~~(b) Bass: No limit.~~

~~(c) Channel catfish: No limit)) for game fish except trout and steelhead.~~

~~((†)) (b) Trout: Open ((June 16)) the Saturday before Memorial Day through ((March)) October 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.~~

~~(†)) (c) Steelhead:~~

~~(i) Open August 1 through April 15.~~

~~(ii) Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(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)) (231) Palouse River (Whitman County) mainstem above Palouse Falls and all tributaries (Washington waters only), except Rock Creek and Hog Canyon Creek: Open year-round.~~

~~((269)) (232) 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)) (233) Panther Creek (tributary to the White River) (Chelan County): Closed waters.~~

~~(234) Park Lake (Grant County): Open the fourth Saturday in April through September 30.~~

~~((272)) (235) Parker Lake (Pend Oreille County):~~

~~Open the fourth Saturday in April through October 31.~~

~~((273)) (236) Pataha Creek (Garfield County):~~

~~(a) ((Bass: No limit.~~

~~(b) Channel catfish: No limit.~~

~~(c) Walleye: No limit.~~

~~(†)) Within the city limits of Pomeroy: Open to juvenile anglers, senior angler, and anglers with a disability who possess a designated harvester companion card only.~~

~~((e)) (b) From the city limits of Pomeroy upstream: ((†)) 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)) (237) Pearrygin Lake (Okanogan County): Open the fourth Saturday in April through October 31.~~

~~((275)) (238) Pend Oreille River (Pend Oreille County):~~

~~(a) (In the mainstem:~~

~~(i)) Open year-round.~~

~~((ii)) (b) Game fish: Statewide lake rules.~~

~~(c) All sloughs within the boundaries of the Kalispel Reservation, except Calispell Slough: Closed waters.~~

~~((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)) (239) Perch Lake (Grant County): Open the fourth Saturday in April through September 30.~~

~~((277)) (240) Peshastin Creek and all tributaries ((from Ruby Creek upstream, not including Ruby)) except Ingalls 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)) Closed waters.~~

~~(241) 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)) (242) Phalon Lake (Stevens County): Closed waters.~~

~~((280)) (243) 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)) Closed waters.~~

~~(244) 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)) (245) Pillar Lake (Grant County): Open the fourth Saturday in April ((+)) through September 30.~~

~~((284)) (246) Ping Pond (Oasis Park Pond) (Grant County): ((a)) Open ((the third Saturday in April through Labor Day)) to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.~~

~~((b) Limit 5 game fish; no minimum size restrictions.~~

~~((285)) (247) Pit Lake (Douglas County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.~~

~~((286)) (248) Poacher Lake (Grant County): Open the fourth Saturday before April ((+)) 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)) (249) Potter's Pond (Stevens County): Open the fourth Saturday in April through October 31.~~

~~((289)) (250) Powerline Lake (Franklin County): Trout: Daily limit 2; minimum length 14 inches.~~

~~((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)) (251) 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) All species: Catch and release fishing only.~~

~~((293)) (252) 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)) (253) Quincy Lake (Grant County): Open March 1 through ((July 31)) September 30.~~

~~((295)) (254) Rainbow Lake (Columbia County):~~

~~(a) Open March 1 through ((October 31)) November 30.~~

~~(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)) (255) 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)) (b) Trout: Daily limit 2; minimum length 14 inches.~~

**(256) Rattlesnake Creek and all tributaries (Yakima County):**

- (a) Selective gear rules ~~((apply))~~.  
 (b) ~~((Trout minimum size 10 inches.~~

~~(300)) All species: Catch and release fishing only.~~

~~(257) Red Rock Creek (Grant County):~~ Open ~~((April +))~~ the Saturday before Memorial Day through September 30.

~~((301)) (258) Reflection Pond (Okanogan County):~~ Open the fourth Saturday in April through October 31.

~~((302)) (259) Renner Lake (Ferry County):~~ Open the fourth Saturday in April through October 31.

~~((303)) (260) Ringley 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: Daily limit ~~((two))~~ 2, minimum length ~~((twelve))~~ 14 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)) (261) Ringold Springs Hatchery Creek (Franklin County):~~ Closed waters.

~~(262) 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)) Closed waters.~~

~~(263) 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)) (i) All species: Catch and release fishing only.~~

~~((e)) (b) From the bridge on Jordan Knott Road upstream: Open year-round.~~

~~((307)) (264) 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 restric-

tions are the same as those in the adjacent portion of the Columbia River.

~~(309)) Closed waters.~~

~~(265) Rock Island Pool (Col.R.) tributaries (Chelan/Douglas ((County) counties):~~ Open the Saturday before Memorial Day through October 31 from Rock Island Dam to Rocky Reach Dam, except the Wenatchee River.

~~((310)) (266) Rocky Ford Creek and Ponds (Grant County):~~

(a) Open to fly fishing and fishing from the bank only (no wading).

(b) All species: Catch and release fishing only.

~~((311)) (267) 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)) (268) Roosevelt Lake (Grant/Ferry/Lincoln/Stevens counties):~~ Columbia River from Grand Coulee Dam to U.S. Canadian border including Hawk Creek downstream of the falls at Hawk Creek Campground, Spokane River from 400 feet downstream of Little Falls Dam, Kettle River downstream of Barstow Bridge, and Colville River downstream of S.R. 25 Bridge.

(a) The following areas are closed waters:

(i) From the Little Dalles power line crossing upstream approximately one mile to the marked rock point ~~((and))~~ from March 1 through the Friday before Memorial Day.

(ii) Northport power line crossing upstream to the most upstream point of Steamboat Rock, from March 1 through the Friday before Memorial Day.

~~((ii)) (iii) The Kettle ((arm)) River upstream to Barstow Bridge from ((April)) March 1 through the Friday before Memorial Day.~~

(b) ~~((Carp: It is unlawful to fish for carp with bow and arrow.~~

~~(e))~~ From Grand Coulee Dam to the Little Dalles power line crossing:

(i) Kokanee: Daily limit 6; no more than 2 with intact adipose fins ~~((may be retained))~~.

(ii) Salmon: Landlocked salmon rules apply.

(iii) Trout (except kokanee): Daily limit 5; it is unlawful to retain trout with an intact adipose fin.

(iv) Walleye: ~~((No size restrictions;))~~ Daily limit 16 fish; no size restrictions.

~~((d)) (c) From the Little Dalles power line crossing to the Canadian border:~~

(i) Kokanee: Daily limit 6; no more than 2 with intact adipose fins ~~((may be retained))~~.

(ii) Salmon: Landlocked salmon rules ~~((apply))~~.

(iii) Trout (except kokanee): Daily limit 2; minimum size 18 inches.

(iv) Walleye: Daily limit 16; no size restrictions ~~((; limit 16 fish))~~.

~~((313)) (269) 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 Feb-



ruary, except closed the Monday before Thanksgiving Day through Thanksgiving Day.

~~(315)) (270) Royal Lake (Adams County): Closed waters.~~

~~((316)) (271) Royal Slough (including Marsh Unit IV impoundments) (Adams County): Closed waters.~~

~~((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)) (272) Rufus Woods Lake (Douglas/Okanogan counties):~~

~~(a) From Grand Coulee Dam downstream to State Route 155 Bridge: Closed waters.~~

~~(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)) Daily limit 2; minimum length 14 inches.~~

~~(c) Sturgeon: Closed to fishing.~~

~~(273) Saddle Mountain Lake (Grant County): Closed waters.~~

~~((321)) (274) Sago Lake (Grant County): Open the fourth Saturday in April ((+)) through September 30.~~

~~((322)) (275) Salmon Creek((, mainstem)) (Okanogan County):~~

~~(a) ((Open the Saturday before Memorial Day through October 31.~~

~~(b)) From the mouth to Conconully Reservoir:~~

~~(i) Selective gear rules ((apply)).~~

~~((e) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(d)) (ii) Trout: Catch and release fishing only, except for eastern brook trout.~~

~~((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) From Conconully Reservoir upstream including all tributaries: Selective gear rules ((apply)).~~

~~((e) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(324)) (276) 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: Daily limit 2 fish in addition to the trout limit; no minimum size requirement.~~

~~(B) Trout: Daily limit 5; it is unlawful to retain trout with an intact adipose fin.~~

~~(C) Walleye: Daily limit 16; no size restrictions.~~

~~(D) Bass: Statewide lake rules.~~

~~(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:~~

~~(A) Walleye: Daily limit 16; no size restrictions.~~

~~(B) Bass: Statewide lake rules.~~

~~(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.~~

~~(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 upstream to the northern reservation boundary are managed under the regulatory authority of the Colville Confederated Tribes ~~((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)) (277) Sand Hollow Creek (Grant County) including all tributaries: From the mouth (State Route 243) upstream: Open ((April +)) the Saturday before Memorial Day through September 30 ((from State Route 243 upstream)).~~

~~((326)) (278) Sarg Hubbard Park Pond (Reflection Pond) (Yakima County): Open to juvenile anglers, senior 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) Scootency Reservoir (Franklin County): Walleye limit 8; minimum size 12 inches. It is unlawful to retain more than one walleye over 22 inches in length.~~

~~(329)) (279) Sedge Lake (Grant County):~~

~~(a) Selective gear rules ((apply)).~~

~~(b) Trout: Daily limit ((one)) 1; minimum length 18 inches.~~

~~((330)) (280) Shellneck Creek (Yakima County): Closed waters.~~

~~(281) Sherman Creek (Ferry County) and all tributaries: ((+)) From the hatchery boat dock to 400 feet upstream of hatchery water diversion dam: Closed waters.~~

~~((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)) (282) Shiner Lake (Adams County):~~ ~~((+))~~ 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.~~

~~(333)) (283) Shoveler Lake (Grant County):~~ Open the fourth Saturday in April ~~((+))~~ through September 30.

~~((334) Sidley Lake (Okanogan County):~~ Trout limit two.

~~(335) Silver Lake (Spokane County):~~ Crappie limit ten; minimum length nine inches.

~~(336)) (284) Silver Nail Lake (Okanogan County):~~ Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((337)) (285) Similkameen River (Okanogan County):~~

~~(a) ((Barbless hooks required for salmon and steelhead.))~~ From Enloe Dam downstream 400 feet: Closed waters.

~~(b) From the mouth to Enloe Dam:~~

~~(i) ((Closed from Enloe Dam downstream 400 feet.~~

~~(ii)) Open July 1 through September 15:~~

~~(A) Barbless hooks required for salmon and steelhead.~~

~~(B) Anti-snagging rule ((applies)).~~

~~((B)) (C) Night closure ((in effect)).~~

~~((iii)) (ii) Salmon:~~

~~(A) ((Open July 1 through September 15.~~

~~(B)) Limit 4; no more than 2 adult hatchery Chinook may be retained.~~

~~((C)) (B) Release coho and wild adult Chinook.~~

~~((iv)) (iii) Whitefish:~~

~~(A) Open December 1 through ((March 31)) the last day in February for whitefish only((;)).~~

~~(B) 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) Whitefish:~~

~~(A) Open December 1 through ((March 31)) the last day in February for whitefish only((;)).~~

~~(B) Whitefish gear rules ((apply)).~~

~~((338)) (286) Sinlahekin Creek (Okanogan County):~~ ~~((+))~~ From Palmer Lake to Cecile Creek Bridge:

~~((+)) (a) Open the Saturday before Memorial Day through August 31.~~

~~((ii)) (b) Selective gear rules ((apply)).~~

~~((iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(iv)) (c) Whitefish:~~

~~(i) Open December 1 through ((March 31)) the last day in February for whitefish only((;)).~~

~~(ii) Whitefish gear rules ((apply)).~~

~~((b) From Cecile Creek Bridge upstream, including all tributaries: Open the Saturday before Memorial Day through October 31.~~

~~(339)) (287) Skookum Lake, North (Pend Oreille County):~~ Open the fourth Saturday in April through October 31.

~~((340)) (288) Skookum Lake, South (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.~~

~~((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)) (289) Snake River:~~

~~(a) All tributaries except Palouse River, Tucannon River, Asotin Creek, and Grande Ronde River: Closed waters.~~

~~(b) 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) (c) Within 400 feet of the base of any dam((;)~~

~~(ii)): Closed waters.~~

~~(d) Within a 400 foot radius around the fish ladder entrance at Lyons Ferry Hatchery((;~~

~~(iii)): Closed waters.~~

~~(e) Within a 200 foot radius upstream of the fish ladder exit above Lower Granite Dam((; and~~

~~(iv)): Closed waters.~~

~~(f) 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((-~~

~~(e) Bass: No limit and no size restrictions.~~

~~(d) Channel catfish: No limit.~~

~~(e)): Closed waters.~~

~~(g) Open year-round.~~

~~(h) Barbless hooks required for steelhead.~~

~~(i) 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, 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.~~

~~(v) Release all steelhead upstream of Bridge Street bridge in Clarkston (Blue Bridge).~~

~~(f) Walleye: No limit and no size restrictions.~~

~~(343)) Open the Saturday before Memorial Day through October 31.~~

~~(j) Steelhead:~~

~~(i) Open August 1 through March 31.~~

~~(ii) Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(k) All other game fish: Open year-round.~~

~~(290) Snipe Lake (Grant County): Open the fourth Saturday in April ((+)) through September 30.~~

~~((344)) (291) Snipes Creek (Benton County): ((+)) 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)) (292) Spectacle Lake (Okanogan County): Open April 1 through September 30.~~

~~((348)) (293) Spokane River (Spokane County): ((+)) 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.~~

~~(e) From the upstream boundary at Plese Flats Day Use Area (Riverside State Park)) From Nine Mile Dam upstream to the ((Monroe Street Dam)) Idaho/Washington state line:~~

~~((i)) (a) Selective gear rules ((apply)).~~

~~((ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~((iii)) (b) Open ((June 1)) the Saturday before Memorial Day 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)) (c) Catch and release fishing only except daily limit 2 hatchery rainbow trout (only rainbow trout with a~~

clipped adipose fin and a healed scar at the site of the clipped fin may be retained).

~~(294) Sprague Lake (Adams/Lincoln counties): ((+)) The following waters are closed waters:~~

~~((i)) (a) Cow Creek((;)).~~

~~((ii)) (b) The marsh at the southwest end of the lake from the lakeside edge of the reeds to Danekas Road((;)).~~

~~((iii)) (c) 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)) (295) Spring Creek (Benton County): ((+)) 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)) (296) 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)) Trout: Daily limit 1, minimum length 18 inches.~~

~~((353)) (297) Spring Lake (Columbia County):~~

~~((+)) 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)) (298) Spring Lakes (Upper and Lower) (Grant County): Open March 1 through ((July 31)) September 30.~~

~~((355) Stan Coffin Lake (Grant County): Bass: Catch and release only.~~

~~(356)) (299) Springdale Pond (Lucky Duck Pond) (Stevens County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.~~

~~(300) Spruce Creek (tributary to South Fork Tieton River) (Yakima County): Closed waters.~~

~~(301) Starvation Lake (Stevens County): ((+)) 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)) (302) Stehekin River (Chelan County): ((+)) From the mouth ((to Agnes Creek:~~

(†) (Powerline crossing) upstream including all tributaries:

(a) 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;)) (b) Release wild 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)) (303) Stratford/Brook Lake (Grant County): Open ((February)) March 1 through September 30.~~

~~((359)) (304) Sullivan Creek and tributaries (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:~~

~~(†) 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)) (305) Sullivan Lake (Pend Oreille County): ((a) Kokanee: Limit ten; kokanee do not count toward the trout limit.~~

~~(b)) Trout ((except kokanee)): Daily limit ((two trout)) 2; minimum length 14 inches.~~

~~((361) Sullivan Lake tributaries (Pend Oreille County), except as otherwise provided in this section: Open the Saturday before Memorial Day through October 31.~~

~~(362)) (306) Summit Lake (Stevens County): Open the fourth Saturday in April through October 31.~~

~~((363)) (307) 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)) (308) Swauk Creek and all tributaries (Kittitas County): Selective gear rules.~~

~~(309) Taneum Creek and all tributaries (Kittitas County): Selective gear rules.~~

~~(310) Teal Lakes (North and South) (Grant/Adams counties): Open the fourth Saturday in April ((+)) through September 30.~~

~~((366)) (311) Teanaway River (Kittitas County), and tributaries except North Fork: ((a)) Selective gear rules ((apply)).~~

~~((b) Trout minimum length ten inches.~~

~~(367)) (312) Teanaway River, North Fork (Kittitas County):~~

~~(a) From the mouth to Beverly Creek and all tributaries: including Beverly Creek:~~

~~((a)) (i) Selective gear rules ((apply)).~~

~~((b)) (ii) Trout: Catch and release fishing only.~~

~~((368)) (b) From Beverly Creek to the impassable waterfall at the end of USFS Road 9737: Closed waters.~~

~~(313) Tern Lake (Grant County):~~

~~(a) Selective gear rules ((apply)).~~

~~(b) Trout: Daily limit ((one))1; minimum length 18 inches.~~

~~((369) Thomas Lake (Stevens County): Open the fourth Saturday in April through October 31.~~

~~(370)) (314) Thirtymile Creek (tributary to Chewuch River) (Okanogan County): From mouth upstream to falls (approximately 700 feet): Closed waters.~~

~~(315) Tieton River (Yakima County):~~

~~(a) ((From the mouth to Tieton Dam, including all tributaries:~~

~~(†) It is permissible to fish up to the base of Tieton (Rimrock) Dam.~~

~~((ii)) (b) 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)) (316) Tieton River, North Fork (Yakima County):~~

~~(a) The Clear Lake spillway channel: Closed waters.~~

~~(b) From the USFS Road 740 Bridge to Clear Lake Dam: Closed waters.~~

~~(c) The mainstem and tributaries including that portion of the river that flows through the dry lakebed of Rimrock Reservoir, upstream ((to the USFS Road 740 Bridge below)) of 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.~~

~~(e) All North Fork Tieton tributaries, including Clear Creek: Open the Saturday before Memorial Day through October 31.~~

~~(372)) (317) 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)) 1200 to bridge on USFS road 1070: Closed waters.~~

~~((373)) (318) Tillicum Creek (tributary to Mad River) (Chelan River): From the intersection of USFS 5800 and USFS 5808 upstream (upstream 2.25 miles) including all tributaries: Selective gear rules.~~

**(319) 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.  
(F) No minimum size for trout with a clipped adipose fin as evidenced by a healed sear at the location of the adipose fin.

(H)) the North and South Forks:

(i) All tributaries: Closed waters.

(ii) Barbless hooks required.

(iii) Steelhead: Open ((September)) August 1 through ((October 31)) April 15; daily limit 3((-It is unlawful to use anything other than barbless hooks when fishing for steelhead.

(B) Open November 1 through April 15:

(F) Release all fish except hatchery steelhead and brown trout.

(H) Limit 3 hatchery steelhead and brown trout combined.

(H) 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 sear at the location of the adipose fin.

(C) Steelhead:

(F) 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.

(H) 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)) hatchery steelhead; minimum length 20 inches.

(b) From the confluence of the North and South Forks upstream(=

(A)) including both forks, Robinson Fork, and Wolf Fork:

(i) All other tributaries: Closed waters.

(ii) Open the Saturday before Memorial Day through August 31.

(iii) 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 sear 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 sear 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 sear 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 sear 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)) (320) 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)) (321) Tucannon River (Columbia County):~~

~~(a) Unless otherwise provided in this section, all tributaries are closed waters, except Pataha Creek.~~

~~(b) Mouth upstream to ((Turner)) Tucannon Hatchery Road Bridge ((at Marengo):~~

~~(i) ((First)) Open the Saturday ((in June)) before Memorial Day through October 31.~~

~~((A) Bass: No limit and no size restrictions.~~

~~(B) Channel catfish: No limit.~~

~~(C) Trout:~~

~~(F) No minimum size for trout with a clipped adipose fin as evidenced by a healed sear at the location of the adipose fin.~~

~~(H)) (ii) Barbless hooks required.~~

~~(iii) Steelhead:~~

~~(A) Open August 1 through April 15.~~

~~(B) Daily limit ((2)) 3 hatchery ((fish)) steelhead; minimum length 20 inches.~~

~~((H) 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.~~

~~(e) 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)) (c) Tucannon Hatchery Bridge to 500 feet above intake for Rainbow Lake: Closed ((to fishing)) waters.~~

~~((e)) (d) 500 feet above intake for Rainbow Lake to Cow Camp Bridge:~~

~~(i) ((First)) Open the Saturday ((in June)) before Memorial Day 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)) (e) Cow Camp Bridge upstream: Closed ((to fishing)) waters.~~

~~((378)) (322) Tucuala 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)) All trout except eastern brook trout: Daily limit 2; minimum length 8 inches.~~

~~(323) Twentymile Creek (tributary to Chewuch River) (Okanogan County): From the mouth upstream to falls (approximately 0.75 miles): Closed waters.~~

~~(324) Twin Lakes ((Chelan County) and), all tributaries and Twin Lakes Creek (outlet stream) to ((junction)) the confluence with the Napeequa River (Chelan County): Closed waters.~~

~~((380)) (325) Twisp River (Okanogan County):~~

~~(a) Mouth to War Creek:~~

~~((a)) (i) Open the Saturday before Memorial Day through August 15.~~

~~((b)) (ii) Selective gear rules ((apply)).~~

~~((c) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(d)) (iii) All species: Catch and release fishing 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)) (b) 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)) upstream except North Creek and North Fork Twisp River:~~

~~(i) Selective gear rules ((apply)).~~

~~((iii)) (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~((iv)) (iii) All species: Catch and release fishing 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)) (326) Twisp River, North Fork (Okanogan County): From mouth to falls including tributaries: Closed waters.~~

~~(327) Umtanum Creek (Kittitas County): Selective gear rules.~~

~~(328) Union Creek (Yakima County): ((Open upstream of the falls (approximately 1/4 mile)) From the mouth((h)) to the falls: Closed waters.~~

~~((382)) (329) 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) All species: Catch and release fishing only.~~

~~((383) Vanes Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.~~

~~(384)) (330) Vic Meyers (Rainbow) Lake (Grant County): Open the fourth Saturday in April through September 30.~~

~~((385) Waits Lake (Stevens County): Open the fourth Saturday in April through last day in February.~~

~~(386)) (331) 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)) From mouth to Washington/Oregon state line:~~

~~(a) All tributaries except Touchet River and Mill Creek: Closed waters.~~

~~(b) All game fish open year-round((, except all tributaries other than the Touchet River are closed.~~

~~(B)) except trout and steelhead.~~

~~(c) Trout: ((f)) Open ((first)) the Saturday ((in June)) before Memorial Day through ((March)) October 31.~~

~~((H) 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~~) (d) Barbless hooks required.

~~((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.~~

~~(H) 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)) (e) Steelhead:~~

~~(i) Open August 1 through April 15.~~

~~(ii) Daily limit 3 hatchery steelhead; minimum length 20 inches.~~

~~(332) Wanapum Pool (Columbia River) tributaries ((Chelan/Douglas))Kittitas County): ((Open the Saturday before Memorial Day through October 31 from Wanapum Dam to Roek Island Dam.~~

~~(388)) Selective gear rules.~~

~~(333) Wannacut Lake (Okanogan County): Open the fourth Saturday in April through October 31.~~

~~((389)) (334) 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)) (335) Ward Lake (Ferry County): Open the fourth Saturday in April through October 31.~~

~~((391)) (336) Warden Lake (Grant County): Open the fourth Saturday in April through September 30.~~

~~((392)) (337) Warden Lake, South (Grant County): Open the fourth Saturday in April through September 30.~~

~~((393)) (338) 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))~~ cannot be used.~~

~~((394)) (339) Washburn Lake (Okanogan County):~~

~~(a) Open the fourth Saturday in April through October 31.~~

~~(b) Trout: ((Limit one:)) Daily limit 1; minimum length 18 inches.~~

~~(c) Selective gear rules ((apply)).~~

~~(d) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~((395)) (340) Watson Lake (Columbia County):~~

~~(a) Open March 1 through ((October 31)) November 30.~~

~~(b) It is unlawful to fish from any floating device.~~

~~((e) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.~~

~~(396)) (341) Wenaha River tributaries ((within Washington)):~~

~~(a) Open the ((first)) Saturday ((in June)) before Memorial Day through August 31.~~

~~(b) Selective gear rules ((apply)).~~

~~((e) Trout: Release steelhead.~~

~~(397)) (342) 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)) (343) Wenatchee Lake (Chelan County):~~

~~(a) ((Open year round:)) Selective gear rules ((apply)).~~

~~(b) ((Release bull trout, steelhead trout, sockeye, and Chinook salmon.~~

~~(e) Trout: Limit two; minimum length twelve inches.~~

~~(399)) Trout: Catch and release fishing only.~~

~~(344) 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) Closed to game fish fishing.~~

~~(b) Salmon:~~

~~(i) Open August 1 through September 30.~~

~~((b)) (ii) Selective gear rules ((apply)).~~

~~((e)) (iii) Night closure ((in effect)).~~

~~((d)) (iv) Daily limit 4; minimum length 12 inches it is unlawful to retain more than 2 adult hatchery Chinook.~~

~~((e)) (v) 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)) (345) White River (Chelan County)((~~from 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 Napeequa 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.~~

~~(vii) Channel catfish: No limit.~~

~~(viii) Salmon and steelhead open year round:~~

~~(A) From April 1 through June 15:~~

(F) Limit 2; no more than 2 salmon, or 2 hatchery steelhead, or one of each, may be retained.

(H) Release wild Chinook.

(B)(I) From June 16 through July 31:

(H) 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.

(H) October 1 through October 31: Limit 6; no more than 2 adult salmon or one hatchery steelhead and one hatchery salmon.

(H) 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.

(IV) Salmon: Only hatchery Chinook and hatchery coho may be retained.

(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.

(H) 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.

(e) 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): From the mouth to the falls: Closed waters.~~

~~(346) Widgeon Lake (Grant County): Open the fourth Saturday in April ((+)) through September 30.~~

~~((405)) (347) Williams Lake (Spokane County): Open the fourth Saturday in April through September 30.~~

~~((406)) (348) Williams Lake (Stevens County): ((+)) Open the ((first)) Friday after Thanksgiving through March 31.~~

~~((b) Release all fish except anglers may retain up to five rainbow trout.~~

~~(407)) (349) Wilson Creek (Kittitas County): ((+)) From upstream of the BNSF railroad bridge: Selective gear rules ((apply)).~~

~~((b) Trout: Minimum size ten inches.~~

~~(e) Two branches within Ellensburg city limits: Open to juvenile anglers only.~~

~~(408)) (350) Winchester Wasteway (Grant County) (that portion within the Winchester Game Reserve): Open ((February)) March 1 through September 30.~~

~~((409)) (351) 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)) (b) From the Highway 240 Bridge to ((400 feet below)) Prosser Dam: ((A)) Open March 1 through October 22.~~

~~((B)) (c) From ((400 feet downstream to 400 feet upstream of the USBR Chandler Powerhouse/Pumping Station: Open March 1 through August 31.~~

~~(C)) 200 feet above to 200 feet below the USBR Chandler Powerhouse/Pumping Station: Closed waters September 1 through October 22.~~

~~(d) 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)) (e) From the Grant Avenue bridge in Prosser downstream approximately 1.25 miles to the downstream side of the westbound I-82 Bridge: Fishing from a floating device is prohibited September 1 through October 22.~~

~~(i) Trout: Catch and release fishing only.~~

~~((F)) (ii) Salmon:~~

~~((H)) (A) Open September 1 through October 22.~~

~~((H)) (B) Night closure ((in effect)).~~

~~((III) It is unlawful to fish for salmon using anything other than) (C) Barbless hooks required.~~

~~((IV)) (D) 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)) (f) From Prosser Dam to Highway 223 Bridge:~~

~~((A)) (i) Open ((May)) March 1 through October 31.~~

~~((B)) (ii) Trout: Catch and release fishing only.~~

~~((iii)) (g) 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~~) 3,500 feet below Roza Dam:

~~(i) Trout: Daily limit 2; minimum length 14 inches.~~

~~(ii) Selective gear rules.~~

~~(h) From Yakima Avenue-Terrace Heights Bridge upstream 400 feet(-~~

~~(B) Selective gear rules apply))): Closed waters.~~

~~((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)) (i) Whitefish:~~

~~(i) Open December 1 through ((January 31)) the last day in February for whitefish only((;)).~~

~~(ii) Whitefish gear rules ((apply)).~~

~~((+)) (j) From 3,500 feet below Roza Dam to Roza Dam: Closed waters.~~

~~(k) From Roza Dam to 400 feet below Easton Dam; including the portion of Wilson Creek from the mouth upstream to the BNSF railroad bridge: ((A)) Open year-round.~~

~~((B)) (l) 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)) (i) Selective gear rules ((apply)).~~

~~((D)) (ii) Trout: Catch and release fishing only.~~

~~((E)) (iii) Whitefish:~~

~~(A) Open December 1 through ((January 31)) the last Saturday in February for whitefish only((;)).~~

~~(B) Whitefish gear rules ((apply)).~~

~~((+)) (m) From Easton Dam to the base of Keechelus Dam including Easton Lake:~~

~~((A)) (i) Selective gear rules ((apply)).~~

~~((B)) (ii) Trout: Catch and release fishing 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)) (352) Yakima Sportsmen's Park Ponds (Yakima County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.~~

~~((411) Yellowhawk Creek (Walla Walla County): Closed.~~

~~(412)) (353) 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 17-17-029, filed 8/8/17, effective 9/8/17)

**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 one adult salmon and one hatchery steelhead, may be retained.

(III) Release all salmon other than sockeye and hatchery Chinook.

(B) Open August 1 through September 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) Coho minimum length 16 inches.

(C) Open September 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 June 16 through July 31:

(I) Release all salmon except hatchery Chinook and sockeye.

(II) Limit 6; no more than 2 adult salmon, or one adult salmon and one hatchery steelhead, may be retained.

(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 8 through September 14, and release all Chinook from September 15 through September 30. From August 1 through August 31 release all steelhead.

(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.

(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.

(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.

(iii) 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 one adult salmon and one hatchery steelhead, 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 one adult salmon and one hatchery steelhead, 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. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(II) Limit 6; no more than 2 adult salmon, one adult salmon and one hatchery steelhead may be retained, except 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 one adult salmon and one hatchery steelhead, 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. 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 one adult salmon and one hatchery steelhead, except 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) 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.

(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 one adult salmon and one hatchery steelhead, 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 one adult salmon and one hatchery steelhead may be retained, except October 1 through November 30 release all steelhead.

(II) Release all salmon except Chinook and coho.

(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 Pike-minnow Reward Program fishing and targeting pikeminnow.

(iv) Trout:

(A) October 1 through December 31 release all trout, except one hatchery steelhead with both the adipose and a ventral fin clipped may be retained.

(B) January 1 through March 31 release all trout, except anglers may retain one hatchery steelhead.

(v) Salmon:

(A) Open June 16 through August 15:

(I) Limit 4; no more than one adult hatchery Chinook salmon and no more than 2 sockeye salmon may be retained.

(II) Release wild adult Chinook.

(B) Open August 16 through October 22: Limit 6; no more than 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 Esquatel 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 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 Pike-minnow Reward Program fishing and targeting pikeminnow.

(v) Trout:

(A) October 1 through December 31 release all trout, except one hatchery steelhead with both the adipose and a ventral fin clipped may be retained.

(B) January 1 through March 31 release all trout, except anglers may retain one hatchery steelhead.

(vi) Salmon:

(A) Open June 16 through August 15:

(I) Limit 6; no more than 2 adult hatchery Chinook and no more than 3 sockeye salmon may be retained.

(II) Release wild adult Chinook.

(B) Open August 16 through October 22: Limit 6; no more than 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 6; no more than 2 adult hatchery Chinook and no more than 3 sockeye salmon may be retained.

(II) Release wild adult Chinook.

(B) Open August 16 through October 22: Limit 6; no more than 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))~~ (waters of the Priest Rapids Hatchery ((Outlet Creek; waters of the Priest Rapids Hatchery system to the outlet on the Columbia River,)) system); extending to midstream of the Columbia River between boundary markers located 100 feet upstream and 400 feet downstream of the mouth of Jackson Creek.

(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 6; no more than 2 adult hatchery Chinook and no more than 3 sockeye salmon may be retained.

(II) Release wild adult Chinook.

(B) Open August 16 through October 22: Limit 6; no more than 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 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.
  - (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 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) 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 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) 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 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 17-22-116**  
**PROPOSED RULES**  
**OFFICE OF**  
**ADMINISTRATIVE HEARINGS**

[Filed October 31, 2017, 11:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-15-102.

Title of Rule and Other Identifying Information: Chapter 10-04 WAC, Agency organization—Public records.

Hearing Location(s): On December 5, 2017, at 2:00 p.m. - 3:00 p.m., at 2420 Bristol Court S.W., Olympia, WA 98502.

Date of Intended Adoption: December 8, 2017.

Submit Written Comments to: Joshua Sundt, Deputy Chief Administrative Law Judge (ALJ) and Public Records Officer, P.O. Box 42488, Olympia, WA 98504-2488, email Joshua.sundt@oah.wa.gov, fax 360-664-8721, by December 4, 2017.

Assistance for Persons with Disabilities: Contact Johnette Sullivan, assistant chief ALJ and ADA coordinator, phone 360-407-2700, fax 360-664-8721, email Johnette.sullivan@oah.wa.gov, by December 4, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Chapter 10-04 WAC is being updated in response to recent legislation on public records, in order to provide guidance and clarity to public records requesters.

Statutory Authority for Adoption: RCW 34.12.030(6).

Statute Being Implemented: Chapter 42.56 RCW.

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

Name of Proponent: Office of administrative hearings, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Joshua Sundt, 2420 Bristol Court S.W., Olympia, WA 98502, 360-407-2700.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This proposed rule does not involve rules of any of the agencies identified in RCW 34.05.328(5) for which a cost-benefit analysis is required.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. This proposed rule making does not result in any economic impact on small business or fiscal impact on school districts.

October 31, 2017

Lorraine Lee

Chief ALJ

AMENDATORY SECTION (Amending WSR 99-20-115, filed 10/6/99, effective 11/6/99)

**WAC 10-04-010 Purpose.** The purpose of this chapter is to provide rules ~~((implementing RCW 42.17.250 [42.56.040] et seq. for the office of administrative hearings))~~ for the office of administrative hearings to implement the provisions of chapter 42.56 RCW relating to public records.

NEW SECTION

**WAC 10-04-015 Definitions.** The definitions set forth in RCW 42.56.010 apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Case" means an adjudicative proceeding as defined in RCW 34.05.010(1).

(2) "Case file" means the same thing as "official record" while a case is pending with the office. Once a case is no longer pending with the office, "case file" means any records possessed by the office which are copies of all or part of the official record.

(3) "Days" means calendar days unless otherwise stated.

(4) "Office" means the office of administrative hearings. Where appropriate, office also refers to the staff and employees of the office of administrative hearings.

(5) "Official record" means the complete record of a case, as defined in RCW 34.05.476. The official record may be either paper or electronic. The official record does not include any additional copies or drafts of documents, or notes.

(6) "Page" means one impression on a single side of a sheet of paper, or the electronic equivalent.

(7) "Public records officer" means the public records officer or designee for the office appointed by the chief administrative law judge.

(8) "Referring agency" means an agency that refers cases to the office under RCW 34.05.425 (1)(c).

AMENDATORY SECTION (Amending WSR 15-02-087, filed 1/7/15, effective 1/12/15)

**WAC 10-04-020 ((Function—Organization—Offices.)) Description of the office of administrative hearings.** (1) The office ((of administrative hearings)) conducts impartial administrative hearings for ((state agencies and local governments pursuant to)) referring agencies under chapter 34.12 RCW. ((The office is under the direction of the chief administrative law judge.

~~Administrative law judges preside over hearings in adjudicative proceedings and issue initial or final orders, including findings of fact and conclusions of law.))~~

(2) The ((administrative)) office headquarters is located at 2420 Bristol Ct. SW, P.O. Box 42488, Olympia, Washington, 98504-2488. The ((office)) headquarters hours are 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., Monday through Friday, except legal holidays. ((Administrative law judges are assigned to field offices located in Olympia, Seattle, Spokane, Tacoma, and Yakima. Each office is headed by an assistant chief administrative law judge.

~~All written communications by parties pertaining to a particular case shall be filed with the field office, if any, assigned to the case, and otherwise with the chief administrative law judge or designee at the administrative office.))~~

NEW SECTION

**WAC 10-04-025 Organization, operations, and procedures.** The office is under the direction of the chief administrative law judge. Administrative law judges preside over hearings in cases and issue initial or final orders, including

findings of fact and conclusions of law. Administrative law judges are assigned to locations in Olympia, Seattle, Spokane Valley, and Tacoma.

AMENDATORY SECTION (Amending WSR 99-20-115, filed 10/6/99, effective 11/6/99)

**WAC 10-04-030 Public records((—Availability)) officer.** ((Public records are available for public inspection and copying except as otherwise provided under chapter 42.17 RCW and these rules.)) (1) The public records officer is appointed by the chief administrative law judge and is located in the headquarters office.

(2) The public records officer is responsible for implementing these rules and ensuring the fullest assistance to requestors.

(3) The public records officer is responsible for overseeing compliance with the Public Records Act, but staff members may process requests.

NEW SECTION

**WAC 10-04-035 Availability of records.** Public records are available for inspection during normal business hours. For the purposes of this chapter, normal business hours are 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m. Monday through Friday, except legal holidays. Records must be inspected at the headquarters office or other location as authorized by the public records officer.

NEW SECTION

**WAC 10-04-037 Location of case records.** (1) The office is the custodian of the official record only while a case is pending with the office. The referring agency is the custodian of the official record at all other times.

(2) Requestors seeking to inspect or receive copies of the official record for cases pending with the office should direct their requests to the office. Requestors seeking to inspect or receive copies of the official record for cases that are no longer pending with the office should direct their requests to the referring agency.

(3) Requestors seeking to inspect or receive copies of the case file should direct their requests to the office.

AMENDATORY SECTION (Amending WSR 99-20-115, filed 10/6/99, effective 11/6/99)

**WAC 10-04-040 ((Public records—Officer.)) Requests for public records.** ((The public records officer for the administrative office shall be the executive assistant. For those records maintained at field office locations, the public records officer shall be the senior administrative law judge.)) (1) Prior to submitting a records request, requestors are encouraged to view documents available on the office web site at [www.oah.wa.gov](http://www.oah.wa.gov).

(2) Requestors seeking to inspect or receive copies of public records must give reasonable notice to the office that the request is for public records. The request should be addressed to the public records officer.

(3) Requestors may use the public records request form available at [www.oah.wa.gov](http://www.oah.wa.gov).

(4) Requestors are encouraged to include the following information in the request:

- Name of requestor;
- Contact information of requestor, such as telephone number, mailing address, and email address;
- The date of the request;
- Enough information about the public records being requested to allow the office to reasonably identify and locate any responsive records; and
- Preferred method of receiving the responsive records.

#### NEW SECTION

**WAC 10-04-045 Responses to public records requests.** (1) Within five business days of receipt of the request, the public records officer will acknowledge receipt and do one or more of the following:

- (a) Make the records available for inspection or copying;
- (b) Send copies of the records to the requestor, if copies are requested and the requestor has paid any fees that are due;
- (c) Provide a reasonable estimate of when the records will be available;

(d) Request clarification from the requestor, if the request is unclear or does not sufficiently identify the requested records; or

(e) Deny the request.

(2) Before providing public records, the public records officer may notify others potentially affected by the disclosure of those records, so that they can seek a court order to prevent or limit the disclosure under RCW 42.56.540. The notice to the affected persons will include a copy of the public records request.

(3) Some records are exempt from disclosure, in whole or in part, and may be withheld or redacted.

(4) The office is not required to create a record that does not otherwise exist.

(5) The public records officer will close a request and inform the requestor that the office has closed the request if the requestor:

- (a) Withdraws the request;
- (b) Fails to inspect the records;
- (c) Fails to pay a fee for records within thirty days after the office sends notification of the fee to the requestor; or
- (d) Fails to claim copies of records within thirty days after the office sends notification that the copies are available.

AMENDATORY SECTION (Amending WSR 99-20-115, filed 10/6/99, effective 11/6/99)

**WAC 10-04-050 ((Requests for)) Inspection of public records.** ~~((1) Members of the public may inspect or obtain copies of public records in accordance with chapter 42.17 RCW by submitting a written request to the public records officer (or designee) during office hours. The office shall provide a form for submitting a request for public records. The request shall include the following information:~~

- ~~(a) The name of the person requesting the record;~~
- ~~(b) The date on which the request was made;~~

~~(e) The nature of the request;~~

~~(d) An appropriate description of the record requested; and~~

~~(e) Where and how to deliver the record requested.~~

~~(2) The public records officer shall assist the member of the public in appropriately identifying the public record requested.)) (1) The office will provide space to inspect public records.~~

~~(2) The office will notify the requestor in writing that the records are available to inspect. Within thirty days after the office sends notification, the requestor must make arrangements with the office to inspect the records.~~

~~(3) After inspection is complete, the requestor must identify which records he or she wishes the office to copy. Depending on staff availability and the volume of records requested, the office may copy the records at that time or provide the records to the requestor at a later date.~~

~~(4) When the inspection of the requested records is complete and all requested copies are provided, the public records officer will send notification to the requestor that the request is closed.~~

#### NEW SECTION

**WAC 10-04-055 Protection of public records.** (1) The office will maintain its records in a reasonably organized manner and will take reasonable actions to protect records from damage and disorganization.

(2) Records will be made available to the requestor for inspection subject to the following restrictions:

(a) The records must not be removed from the designated area;

(b) The public records officer may limit the number of pages provided for inspection at one time;

(c) All possible care must be taken to prevent damage to the records;

(d) Records may not be marked, altered, cut or mutilated in any way;

(e) Use of liquids, eating, drinking, and smoking while inspecting the records is prohibited;

(f) Records must not be defaced in any way, including by writing on, folding, tracing or fastening them with fasteners other than those already existing in file;

(g) Records must be kept in the order in which they are received; and

(h) All copying of records will be done by office staff.

AMENDATORY SECTION (Amending WSR 99-20-115, filed 10/6/99, effective 11/6/99)

**WAC 10-04-060 ((Copying fees.)) Installments.** ~~((No fee shall be charged for the inspection of public records. The office shall charge a fee of fifteen cents per page of copy for providing copies of public records and for the use of the office's copy equipment, including electronic telefacsimile transmission, plus the actual postage or delivery charge. Fees may be waived for minimal copies.)) (1) The public records officer may provide access to records in installments under RCW 42.56.080.~~

~~(2) When the request is for copies of public records, the public records officer may require payment for each install-~~

ment either prior to providing the installment or prior to providing subsequent installments.

#### NEW SECTION

**WAC 10-04-065 Electronic records.** (1) When providing electronic records, the public records officer will provide records in a file format that is generally commercially available.

(2) If a record exists on a web page, the public records officer may respond by providing the link to the record.

AMENDATORY SECTION (Amending WSR 99-20-115, filed 10/6/99, effective 11/6/99)

**WAC 10-04-070 Exemptions.** (1) The office ~~((reserves the right to))~~ must determine ((that)) if a public record requested ((in accordance with the procedures outlined in WAC 10-04-050)) is exempt from disclosure, in whole or in part, under ((the provisions of)) chapter ((42.17)) 42.56 RCW or other applicable law.

(2) ~~((In addition, pursuant to RCW 42.17.260(1), the office reserves the right to delete identifying details when it makes available or publishes any public record in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.~~

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the records withheld.) If an entire record is exempt from disclosure it will be withheld. For each record withheld, the public records officer will identify the record, note the applicable exemption and give a brief explanation for each exemption. If only parts of a record are exempt from disclosure, the public records officer will redact the exempt parts, note the applicable exemptions, and give a brief explanation for each exemption.

(3) The office is prohibited by statute from disclosing lists of individuals for commercial purposes under RCW 42.56.070(8).

#### NEW SECTION

**WAC 10-04-075 Fees for providing public records.**

(1) There is no fee for inspecting public records.

(2) The office will charge for providing copies of public records and will maintain a fee schedule on its web site.

(3) The office is not calculating actual costs for copying its records because doing so would be unduly burdensome for the following reasons:

(a) The office does not have the resources to conduct a study to determine actual copying costs;

(b) Conducting such a study would interfere with other essential agency functions; and

(c) Through the legislative process, the public and requestors have commented on and been informed of authorized fees and costs provided in the Public Records Act and other laws.

(4) The office uses the standard fees and costs authorized in RCW 42.56.120.

(5) The public records officer may require payment of fees before providing the records.

(a) Before beginning to copy public records, a deposit of up to ten percent of the estimated costs of copying may be required.

(b) Payment of the costs of copying an installment may be required before the installment is provided.

(c) If payment of fees is required, the office will send notification to the requestor. Within thirty days after the office sends notification, the requestor must pay the fee or make other arrangements with the office.

(6) The office will not charge sales tax for copies of public records.

(7) The office will accept payment by check, money order, or cash. For cash payments, it is within the office's discretion to determine the denomination of bills and coins that will be accepted.

AMENDATORY SECTION (Amending WSR 99-20-115, filed 10/6/99, effective 11/6/99)

**WAC 10-04-080 Agency review of denials ~~((of public records request))~~ or time estimates.** (1) A ~~((person))~~ requestor whose request for a public record has been denied or who believes that the office has not made a reasonable estimate of the time to respond to the request may petition the chief administrative law judge for ~~((prompt))~~ review of the denial ((by submitting a written request for review)) or estimate.

(a) The ((written request shall specifically refer to)) petition must be in writing and include a copy of, or reasonably identify, the written statement by the public records officer ((or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the chief administrative law judge or designee)) denying the request or providing the estimate.

(b) The petition must be sent to the public records officer who will promptly provide the petition and any other relevant information to the chief administrative law judge to conduct the review.

(2) The chief administrative law judge ((or designee shall immediately)) will consider the ((matter)) petition and either affirm, modify, or reverse the denial or the estimate. This review will be completed within two business days following the ((original denial)) office's receipt of the petition, or within such times as mutually agreed by the office and the requestor.

(3) ((A person whose request for a public record has been denied)) If the office denies access to a public record because it claims the record is exempt from disclosure in whole or in part, the requestor may request the attorney ((general)) general's office to review the ((matter pursuant to RCW 42.17.325)) denial under RCW 42.56.530.

(4) A requestor may obtain judicial review of a denial of a public records request under RCW 42.56.550 at the conclu-



sion of two business days after the initial denial regardless of any administrative appeal.

#### NEW SECTION

**WAC 10-04-085 Records index.** (1) The office's index of public records is available at [www.oah.wa.gov](http://www.oah.wa.gov).

(2) The state general records retention schedule and the office's records retention schedule supplement the office's index.

AMENDATORY SECTION (Amending WSR 99-20-115, filed 10/6/99, effective 11/6/99)

**WAC 10-04-090 (~~(Protection of public records.)~~) Communications with the office of administrative hearings.** ~~((1) No person shall knowingly alter, deface, or destroy public records of the office.~~

~~(2) Original copies of public records of the office shall not be removed from the premises where maintained by the office.~~

~~(3) Care and safekeeping of public records of the office, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.~~

~~(4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.~~

~~(5) Persons requesting, inspecting, or copying public records shall not disrupt the office.)~~ Information about requesting public records from the office is at [www.oah.wa.gov](http://www.oah.wa.gov). Requests for public records and related questions should be directed to the public records officer, who may be contacted as follows:

Public Records Officer  
Office of Administrative Hearings  
P.O. Box 42488  
Olympia, WA 98504-2488  
360-407-2700  
[publicrecords@oah.wa.gov](mailto:publicrecords@oah.wa.gov)

**WSR 17-22-119**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**

[Filed October 31, 2017, 1:31 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-18-100.

Title of Rule and Other Identifying Information: Chapter 246-335 WAC, In-home services agencies, updating licensing and operational rules. The department is proposing a reorganization and clarification of its in-home services agencies chapter to bring it in line with current standards of practice and reassess fees.

Hearing Location(s): On December 6, 2017, at 1:00 p.m., at the Department of Health, Point Plaza East, 310 Israel Road S.E., Room 152, Tumwater, WA 98501.

Date of Intended Adoption: December 27, 2017.

Submit Written Comments to: John Hilger, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2901, by December 6, 2017.

Assistance for Persons with Disabilities: Contact John Hilger, phone 360-236-2929, fax 360-236-2901, TTY 360-833-6388 or 711, email [john.hilger@doh.wa.gov](mailto:john.hilger@doh.wa.gov), by December 1, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed rule is to amend, repeal, and add new sections to chapter 246-335 WAC to promote safe and quality care for individuals receiving services from licensed in-home services agencies. The last comprehensive chapter update took place in 2002. The proposed rule represents a thorough chapter revision which includes a significant restructuring of WAC sections in order to clarify the requirements for each service category (home care, home health, and hospice). This restructuring requires repealing most of the current sections and moving content into newly created number sections. The proposed rule also updates language and terminology to represent current industry standards and practices.

Reasons Supporting Proposal: (1) Stakeholders participated in eight rules workshops and were invested in partnering with the department to craft the proposed rule language. (2) Restructuring chapter sections will better assist licensees in navigating the rules and understanding service category specific requirements. (3) Updating language and terminology to reflect current industry standards and practices will modernize the rules. (4) Clarifying existing requirements and adding new requirements will promote increased safety and quality of care for clients and patients.

Statutory Authority for Adoption: RCW 70.127.120, 43.70.250.

Statute Being Implemented: Chapter 70.127 RCW, RCW 43.70.250.

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

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: John Hilger, 111 Israel Road S.E., Tumwater, WA, 360-236-2929; and Enforcement: Nancy Tyson, 111 Israel Road S.E., Tumwater, WA, 360-236-4796.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting John Hilger, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2929, fax 360-236-2910, TTY 360-833-6388 or 711, email [john.hilger@doh.wa.gov](mailto:john.hilger@doh.wa.gov).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust

fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045; and rules adopt, amend, or repeal a procedure, practice, or requirement relating to agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.

Explanation of exemptions: Although the proposed rule includes new documentation and care standards for licensees, portions of the proposed rule are exempt from requirements of the Regulatory Fairness Act. Either in its entirety or portions thereof, the following proposed sections are exemption [exempt] under RCW 34.05.310 (4)(d): WAC 246-335-301 [246-335-300], 246-335-305, 246-335-310, 246-335-315, 246-335-340, 246-335-345, 246-335-350, 246-335-355, 246-335-405, 246-335-410, 246-335-430, 246-335-435, 246-335-450, 246-335-455, 246-335-505, 246-335-510, 246-335-530, 246-335-535, 246-335-540, 246-335-550, 246-335-555, 246-335-560, 246-335-605, 246-335-610, 246-335-630, 246-335-635, 246-335-640, 246-335-650, 246-335-655, 246-335-660, 246-335-705, 246-335-710, 246-335-712, 246-335-714, 246-335-716, 246-335-718, 246-335-722, 246-335-724, 246-335-726, 246-335-728, 246-335-730, 246-335-732, 246-335-734, 246-335-736, 246-335-738, 246-335-740, 246-335-742, 246-335-744, 246-335-746, 246-335-748, 246-335-750, 246-335-752, 246-335-754, 246-335-756, 246-335-758, 246-335-760, 246-335-762, 246-335-764, 246-335-766, and 246-335-768. The following proposed sections are also exempt under RCW 34.05.310 (4)(g)(ii): WAC 246-335-315, 246-335-320, 246-335-325, 246-335-330, 246-335-340, 246-335-345, and 246-335-350. The following current section is exempt under RCW 34.05.310 (4)(f): WAC 246-335-990 Fees.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The portions of the proposed rule that are significant were analyzed in the cost-benefit analysis as required under RCW 34.05.328 and estimated probable costs were determined. The North American Industry Classification System (NAICS) was used to determine code 621610 (Home Health Care Services) as best representing Washington state licensed home care, home health, and hospice agencies. The United States Census Bureau, County Business Partners 2013 data for Washington state identified the following for NAICS code 621610: Total establishments 304; Annual payroll \$352,575. Dividing annual payroll by total establishments results in a one percent minimum threshold in the amount of \$11,600. The total costs of the proposed rules range from \$901 to \$6,509 (contact the department of health for the cost-benefit/significant analysis document for cost details). The high end of the estimated cost impact, \$6,509 is below the one percent minimum threshold and therefore it was determined that a small business economic impact statement is not needed.

October 31, 2017

John Wiesman, DrPH, MPH  
Secretary

## PARTS 1 THROUGH 4

### REQUIREMENTS FOR IN-HOME SERVICES AGENCIES LICENSED TO PROVIDE HOME CARE, HOME HEALTH, AND HOSPICE SERVICES

#### Part 1 - General Requirements Applicable to All Service Categories

##### NEW SECTION

**WAC 246-335-300 Scope and purpose.** (1) These rules implement chapter 70.127 RCW which requires the department of health to set minimum health and safety standards for in-home services agencies licensed to provide home care, home health, hospice, or hospice care center services.

(2) Applicants and licensees must meet the requirements of this chapter and other applicable state and local laws.

(3) This chapter does not apply to services provided by persons exempt from requirements of chapter 70.127 RCW as provided in RCW 70.127.040 and 70.127.050.

##### NEW SECTION

**WAC 246-335-305 Applicability.** The requirements in WAC 246-335-300 through 246-335-660 apply to in-home services agencies licensed to provide home care, home health, and/or hospice services unless otherwise noted in the specific sections. The requirements in WAC 246-335-705 through 246-335-768 apply to hospice care centers. The fee requirements in WAC 246-335-990 apply to all in-home services agencies licensed to provide home care, home health, hospice, and hospice care center services.

##### NEW SECTION

**WAC 246-335-310 Definitions—General.** The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise:

(1) "Activities of daily living" or "ADL" means routine activities performed around the home or in the community and includes:

(a) "Ambulation" means how an individual moves between locations in their immediate living environment and how they move to and return from more distant areas. Assistance with ambulation includes supervising or guiding the client or patient when walking alone or with the help of a mechanical device such as a walker, assisting with difficult parts of walking such as climbing stairs, supervising or guiding the client or patient if they are able to propel a wheelchair, pushing of the wheelchair, and providing constant or standby physical assistance to the client or patient if totally unable to walk alone or with a mechanical device.

(b) "Bathing" means how an individual takes a full-body bath or shower, sponge bath, and transfers in and out of the tub or shower. Assistance with bathing includes supervising or guiding the client or patient to bathe, assisting the client or patient with difficult tasks such as getting in or out of the tub or shower, washing their back and other hard to reach areas,

and completely bathing the client or patient if they are totally unable to wash self.

(c) "Body care" means how an individual performs applications of dressings and ointments or lotions to their body, trims their toenails, and applies lotion to their feet. Assistance with body care includes general skin care and the application of over-the-counter ointments or lotions. Body care excludes foot care for clients or patients who are diabetic or have poor circulation, and changing bandages or dressings when sterile procedures are required.

(d) "Dressing" means how an individual puts on, fastens, and takes off all items of clothing, including donning or removing a prosthesis. Assistance with dressing includes supervising or cuing the client or patient to dress and assisting them with difficult tasks such as putting on socks, pants, shoes, and fastening, zipping, or tying clothing related items.

(e) "Eating" means how an individual eats and drinks, regardless of skill. Assistance with eating includes supervising or guiding the client or patient when they are able to feed themselves, assisting with difficult tasks such as cutting food or buttering bread, and orally feeding the client or patient when they are unable to feed themselves.

(f) "Medication management" means how an individual ingests or applies medications or herbal supplements. Assistance with medication management includes reminding, coaching, and handing medication containers to the client or patient.

(g) "Personal hygiene" means how an individual maintains their personal hygiene. Assistance with personal hygiene includes helping the client or patient with combing hair, brushing teeth, shaving, applying makeup, washing and drying face, trimming finger nails, applying nail polish, and perineum (menses care).

(h) "Positioning" means how an individual moves to and from a lying position, turns side to side, and positions their body while in bed, in a recliner, or other type of furniture. Assistance with positioning includes helping the client or patient to assume a desired position, helping with turning, and setting up for the client or patient to perform exercises or active range of motion. Positioning assistance may also include passive range of motion to maintain joint flexibility or prevent complications, such as contractures and pressure sores.

(i) "Toileting" means how an individual uses the toilet room, commode, bedpan, or urinal. Assistance with toileting includes helping the client or patient to and from the bathroom, assisting with bedpan routines, using incontinent briefs, cleaning after elimination, and assisting the client or patient on and off the toilet.

(j) "Transfer" means how an individual moves between surfaces such as to and from a bed, chair, wheelchair, or standing position. Assistance with transferring includes helping the client or patient with getting in and out of a bed or wheelchair or on and off the toilet or in and out of the bathtub. Transfer includes supervising or guiding the client or patient when they are able to transfer, providing steadying assistance, and helping the client or patient when they are able to assist in their own transfers. This does not include transfers when the client or patient is unable to assist in their own transfer or needs assistive devices unless specific training or

skills verification has occurred consistent with agency policies and procedures.

(2) "Administrator" means an individual responsible for managing the operation of an agency.

(3) "Advanced directive" means a legal document in which a person specifies what actions should be taken for their health if they are no longer able to make decisions for themselves because of illness or incapacity. Advanced directives are not intended to guide the actions of emergency medical personnel.

(4) "Area agencies on aging" or "AAA" means an agency established under 42 U.S.C. chapter 35 and designated by the department of social and health services (DSHS) to contract for home care services on behalf of DSHS.

(5) "Authenticated" means a written signature or unique identifier verifying accuracy of information.

(6) "Back-up care" means substitute care for a client or patient arranged by the agency's administration when caregiving staff, aides, or health services cannot be provided as scheduled.

(7) "Client abandonment" or "patient abandonment" occur when an in-home services agency establishes a care relationship with a client or patient, as evidenced by signed admission forms and plan of care, and the agency ends the care relationship without referring to an appropriate alternative agency or caregiver, or not following applicable discharge requirements in WAC 246-335-420, 246-335-520, and 246-335-620.

(8) "Clinical judgment" means an interpretation or conclusion by a physician licensed under chapter 18.57 or 18.71 RCW, a podiatric physician and podiatric surgeon licensed under chapter 18.22 RCW, an advanced registered nurse practitioner licensed under chapter 18.79 RCW, a registered nurse licensed under chapter 18.79 RCW, a physical therapist licensed under chapter 18.74 RCW, an occupational therapist licensed under chapter 18.59 RCW, or a speech and language therapist licensed under chapter 18.35 RCW about a client or patient's needs, concerns, or health problems. Clinical judgment includes the decision to take action or not, use or modify standard approaches, or improvise new ones as deemed appropriate by the client or patient's response.

(9) "Contractor" means a person who is self-employed who enters into agreement with an in-home services agency to provide client or patient care services or equipment.

(10) "Department" means the Washington state department of health.

(11) "Directed plan of correction" means a plan developed by the department, based on a current statement of deficiencies and a licensee's survey history, which specifies the corrective actions the licensee must take and time frames in which those actions are to be completed.

(12) "Document" means the process of recording information relating to client or patient care verified by signature or unique identifier, title, and date.

(13) "DSHS" means the Washington state department of social and health services.

(14) "Family" means individuals who are important to, and designated by, the patient or client and who need not be relatives.

(15) "Health care professional" means an individual who provides health or health-related services within the individual's authorized scope of practice and who is licensed, registered or certified under Title 18 RCW.

(16) "In-home services agency" means a person licensed to administer or provide home health, home care, hospice services, or hospice care center services directly or through a contract arrangement to individuals in a place of temporary or permanent residence.

(17) "In-home services category" means home care, home health, hospice, or hospice care center services.

(18) "Instrumental activities of daily living" or "IADL" means routine activities performed around the home or in the community and includes:

(a) "Meal preparation" means how an individual prepares their meals. Assistance with meal preparation includes planning meals for clients or patients, cooking, assembling ingredients, setting out food, utensils, and cleaning up after meals.

(b) "Ordinary housework" means how an individual performs ordinary work around the house. Assistance with ordinary housework includes washing dishes and cookware, dusting, vacuuming, mopping, making bed, tidying up, laundry, taking out garbage, or other like activities.

(c) "Essential shopping" means how an individual completes shopping tasks to meet their health and nutritional needs. Assistance with essential shopping includes trips in the local area to shop for food, medical necessities and household items required specifically for a client or patient's health, maintenance, or well-being. Shopping assistance can be done with a client or patient or on their behalf. Within the context of IADL services, essential shopping does not include client or patient transfer assistance.

(d) "Wood supply" means how an individual supplies their home with wood when wood is used as the sole source of fuel for heating or cooking. Assistance with wood supply includes splitting, stacking, carrying wood, or other like activities.

(e) "Travel to medical services" means how an individual travels by vehicle, bus, or taxi to a physician's office or clinic in the local area to obtain medical diagnosis or treatment. Assistance with travel to medical services includes driving the client or patient yourself, or traveling as a support person in a personal vehicle, bus, or taxi. Within the context of IADL services, travel to medical services does not include client or patient transfer assistance.

(f) "Managing finances" means how an individual manages their personal finances. Assistance with managing finances includes helping the client or patient to pay bills, balance checkbook, or other like activities.

(g) "Telephone use" means how an individual makes and receives telephone calls and text messages. Assistance with telephone use includes bringing a phone to the client or patient, helping with dialing numbers, helping with sending and retrieving text messages, helping with general phone operation, or other like activities.

(19) "Licensee" means the person to whom the department issues the in-home services license.

(20) "Managed care plan" means a plan controlled by the terms of the reimbursement source.

(21) "Mandatory reporter" means an administrator, authorizing practitioner, director of clinical services, health care professional, home care aide, home health aide, medical director, licensed nurse, social worker, supervisor of direct care services, therapist, therapy assistant, volunteer, or other individuals associated with an in-home services agency.

(22) "Medication self-administration with assistance" means reminding or coaching the client or patient to take their medication, handing the medication container to the client or patient, opening the medication container, using an enabler, or placing the medication in the hand of the client or patient, along with other assistance, as defined by the pharmacy quality assurance commission in chapter 246-888 WAC.

(23) "Minimum health care credentialing" or "minimum credentialing" means the minimum credential level necessary to provide safe and quality care to adequately meet the care needs of clients and patients:

(a) For home care agencies, minimum health care credentialing is a certified home care aide or higher credential. Minimum health care credentialing is not required for long-term care workers who meet the exemption criteria in chapter 246-980 WAC;

(b) For home health and hospice agencies, minimum health care credentialing is a certified nursing assistant or higher level health care credential necessary to meet patient care needs.

(24) "Nonmedical services" means ADL and IADL tasks which do not require clinical judgment and are ordinarily performed by the client or patient, which if not for the client or patient's functional, physical, or mental limitation(s), would be completed independently by the client or patient, or family.

(25) "Nursing assistant certified" means an individual certified as a nursing assistant under chapter 18.88A RCW.

(26) "Nursing assistant registered" means an individual registered as a nursing assistant under chapter 18.88A RCW.

(27) "Nurse delegation" means the process, as described in RCW 18.79.260 (3)(e), WAC 246-840-910 through 246-840-970, and 246-980-130, a registered nurse takes to transfer the performance of selected nursing tasks in selected situations to competent nursing assistants or home care aides. The registered nurse delegating the task retains the responsibility and accountability for the nursing care of the client or patient. Except for the delegation of the administration of insulin by injection for the purpose of caring for individuals with diabetes, nurse delegation does not include delegating the administration of medications by injection, sterile procedures, and central line maintenance.

(28) "Occupational exposure" means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of the employee's duties.

(29) "One-time visit" means a single visit by one individual to provide home care, home health, or hospice services with no predictable need for continuing visits, not to exceed twenty-four hours.

(30) "On-site" means the location where client or patient services are provided.

(31) "Person" means any individual, business, firm, partnership, corporation, company, association, joint stock association, public or private organization, or the legal successor thereof that employs or contracts with two or more individuals.

(32) "Personnel" means individuals employed and compensated by the licensee.

(33) "Plan of care" means a written document based on assessment of individual needs that identifies services to meet these needs.

(34) "Plan of correction" means a licensee authored document based on a statement of deficiencies, and includes specific corrective actions that must be taken to correct identified deficiencies to include, but not limited to:

(a) How the deficiency will be or was corrected;

(b) What measures or monitors will be put in place to ensure the deficient practice does not recur;

(c) Who is responsible for the correction; and

(d) When each deficiency will be corrected.

(35) "Physician orders for life sustaining treatment" or "POLST" means a set of medical orders intended to guide emergency medical personnel in the initial treatment for persons with advanced life limiting illness based on their current medical condition and goals. The POLST form is not a living will or advanced directive but a physician order that communicates the details of those documents.

(36) "Quality improvement" means reviewing and evaluating appropriateness and effectiveness of services provided under this chapter.

(37) "Range of motion" or "ROM" means the extent or limit to which a part of the body can be moved around a joint or a fixed point; the totality of movement a joint is capable of doing. ROM exercises are active or passive movements to assess, maintain, or restore the motion of joints in the body:

(a) "Active range of motion." Independent exercises performed by an individual to restore or maintain their joint function to its optimal range (may require cuing or reminders by an agency worker).

(b) "Passive range of motion." Exercises performed by a trained individual to restore or maintain an individual's joint function to its optimal range when they are unable to independently move their joint. Passive ROM involves performing movements to each joint only to the extent the joint is able to move. Passive ROM, for either restoration or maintenance purposes, may be performed by home health agencies, hospice agencies, and hospice care centers following the established program. Passive range of motion, for maintenance purposes only, may be performed by home care.

(38) "Record" means all documented information, regardless of its characteristics, media, physical form, and the manner in which it is recorded or stored.

(39) "Service area" means the geographic area in which the department has given prior approval to a licensee to provide home health, hospice, or home care services.

(40) "Statement of deficiencies" means a survey or investigation report completed by the department identifying one or more violations of chapter 70.127 RCW or the rules adopted thereunder. The report clearly identifies the specific law or rule that has been violated along with a description of the reasons for noncompliance.

(41) "Survey" means an inspection conducted by the department to evaluate and monitor an agency's compliance with this chapter.

(42) "Vital signs" means clinical measurements, specifically pulse rate, temperature, respiration rate, and blood pressure that indicate the state of a client or patient's essential body functions.

(43) "Volunteer" means an individual who provides direct care to a client or patient and who:

(a) Is not compensated by the in-home services licensee; and

(b) May be reimbursed for personal mileage incurred to deliver services; and

(c) Is considered a mandatory reporter.

Volunteers providing services to vulnerable persons are considered permissive reporters and are subject to the mandatory reporting laws in chapters 74.34 and 26.44 RCW.

(44) "Vulnerable person" means a person:

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

(b) Found incapacitated under chapter 11.88 RCW;

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

(d) Admitted to any facility; or

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

#### NEW SECTION

**WAC 246-335-315 License required.** A person must possess a current license issued by the department before advertising, operating, managing, conducting, opening or maintaining an in-home services agency unless exempt under RCW 70.127.040 or 70.127.050. Any person who employs or contracts with two or more individuals to provide any one or combination of in-home services as defined by chapter 70.127 RCW and this chapter is subject to licensure.

#### NEW SECTION

**WAC 246-335-320 Initial application.** An applicant for initial licensure must:

(1) Complete a department sponsored in-home services orientation class prior to submitting a state licensing application. The purpose of the orientation class is to provide prospective applicants an overview of the state licensing process, explain the differences between home care, home health, and hospice service categories, and department expectations of licensees providing care to vulnerable persons.

(2) Submit to the department:

(a) A completed initial licensing application on forms provided by the department;

(b) Evidence of current commercial general liability insurance indicating the following minimum coverage:

(i) Bodily injury, property damage, and contractual liability, in the amount of one million dollars per occurrence; or

(ii) Combined single limit coverage of two million dollars.

(c) A completed and signed full-time equivalent employee worksheet on forms provided by the department;

(d) Copies of criminal history background checks and disclosure statements in accordance with the following:

(i) RCW 43.43.830 through 43.43.842;

(A) For home care agencies, copies are required for the administrator and the supervisor of direct care services;

(B) For home health agencies and hospice agencies, copies are required for the administrator and the director of clinical services;

(ii) Criminal history background checks must be processed through the Washington state patrol;

(iii) Disclosure statements must be approved by the department; and

(vi) Criminal history background checks and disclosure statements must be obtained within three months of the application date.

(e) A description of the agency's organizational structure. For example, an organizational chart or narrative describing key positions and duties;

(f) A copy of the current business license(s);

(g) Policies and procedures addressing the content of this chapter for the service category(ies) to be provided. Policies and procedures must clearly demonstrate compliance with the applicable chapter requirements.

(i) Home care agency policies and procedures will not reference federal medicare requirements and may only reference an accrediting organization's requirements if they are accredited by that organization.

(ii) Home health and hospice agency policies and procedures may only reference federal medicare requirements or accrediting organization requirements if they are medicare certified or accredited;

(h) A copy of the in-home services orientation class certificate of completion;

(i) Other information as required by the department; and

(j) Fees specified in WAC 246-335-990.

(3) An applicant must meet the requirements of this chapter as determined by an initial announced survey conducted by the department.

(4) With the exception of a hospice care center applicant, an applicant has nine months from the application submission date to complete all steps required for initial licensure or adding one or more service categories to an existing license.

(a) The department may close out an application, with no refund of licensing fees being issued, if an applicant has not completed all steps required for licensure within nine months.

(b) An applicant whose application has been closed due to the nine-month time period lapsing is eligible to reapply at any time by submitting an initial application and appropriate fees.

(5) A licensee adding a new service category to their existing license must comply with subsections (2), (3) and (4) of this section. Licensees are not required to complete an orientation class in order to add a new service category to their license.

#### NEW SECTION

**WAC 246-335-325 License renewal.** At least thirty days before the expiration date of the current license, the licensee must submit to the department:

(1) A completed renewal licensing application on forms provided by the department;

(2) Evidence of continuing insurance coverage according to WAC 246-335-320 (2)(b);

(3) A completed and signed full-time equivalent employee worksheet on forms provided by the department;

(4) Copies of the most current criminal history background checks and disclosure statements for the administrator, director of clinical services, or supervisor of direct care services in accordance with WAC 246-335-320 (2)(d). All criminal history background checks and disclosure statements required under this chapter must be renewed within two years from the date of the previous check;

(5) A description of the agency's current organizational structure. For example, an organizational chart or narrative describing key positions and duties;

(6) Documentation required under WAC 246-335-350, if initially applying or reapplying for substantial equivalency status;

(7) Other information as required by the department; and

(8) Fees specified in WAC 246-335-990.

#### NEW SECTION

**WAC 246-335-330 Change of ownership.** A change of ownership on an in-home services agency includes any of the following:

(1) Transferring ownership, either whole or part, to a new owner;

(2) Dissolving a partnership or corporation;

(3) Merging with another entity taking on that entity's identity;

(4) Consolidating with another entity, creating a new identity; or

(5) A change of the unified business identifier number and/or federal employer identification number.

(6) At least thirty days prior to changing ownership of an in-home services agency, the licensee must submit to the department a change of ownership form as provided by the department. The form must include:

(a) The full name, address and phone number of the current and prospective owner;

(b) The name, address, and phone number of the currently licensed in-home services agency and the name under which the prospective agency will operate; and

(c) Date of the proposed change of ownership.

(7) At least thirty days prior to changing ownership of an in-home services agency, the prospective new owner must submit a change of ownership application, on forms provided by the department:

(a) Information listed in WAC 246-335-320 (2)(a) through (f); and

(b) The change of ownership fee specified in WAC 246-335-990.

(8) Home health or hospice agencies that are certified by the Centers for Medicare and Medicaid Services must inform the department's certificate of need program of the pending change in ownership and receive program approval before the state change of ownership application can be approved.

(9) The department may conduct a survey after the change of ownership approval to assess the new ownership's delivery of care to clients or patients.

#### NEW SECTION

**WAC 246-335-335 Applicant or licensee responsibilities.** An applicant or licensee must:

- (1) Comply with the provisions of chapter 70.127 RCW and this chapter;
- (2) Maintain at least one in-state office location where records are kept, secured, and accessible;
- (3) Display the license issued by the department in an area within the main office that is visible to the public, including branch office locations if applicable;
- (4) Cooperate with the department during surveys which may include reviewing licensee records and conducting on-site visits with client or patient consent;
- (5) Notify the department in writing within thirty days of any of the following:
  - (a) Changes of administrator, director of clinical services, or supervisor of direct care services;
  - (b) Beginning or ceasing operation of any office location(s);
  - (c) Ceasing operation of home care, home health, hospice, or hospice care centers services;
  - (d) Decreasing home care, home health, or hospice service areas; and
  - (e) Survey or monitoring decisions and findings from a department approved accrediting organization, DSHS, or area agency on aging for agencies approved through substantial equivalency according to WAC 246-335-350.
- (6) Request approval to expand state licensing home care, home health, or hospice service areas, by submitting an amended application, on forms provided by the department, which lists all service areas for which the agency is seeking approval and information based on the criteria in WAC 246-335-415(6), 246-335-515(6), or 246-335-615(6).
  - (a) To request approval to expand services areas for home health or hospice agencies that are certified by the Centers for Medicare and Medicaid Services, a licensee must contact the department's certificate of need program and follow their separate application and approval process.
  - (b) Licensees must receive department approval for service area expansion prior to providing services in the proposed expanded service area(s).

#### NEW SECTION

**WAC 246-335-340 Survey and investigation.** To ensure compliance with chapters 246-335 WAC and 70.127 RCW, the department may:

- (1) Conduct unannounced surveys at any time and at least once during a licensure period, except for agencies approved through substantial equivalency according to WAC 246-335-350;
- (2) Survey a licensee at any time if the department has reason to believe the licensee is providing unsafe, insufficient, inadequate or inappropriate client or patient care;
- (3) Investigate any person suspected of advertising, operating, managing, conducting, opening or maintaining an

in-home services agency or providing in-home services, including hospice care center services, without a license unless exempt from licensure under RCW 70.127.040 and 70.127.050;

(4) Investigate complaints against in-home services licensees that allege noncompliance with chapter 70.127 RCW and this chapter;

(5) Investigate allegations of noncompliance with RCW 43.43.830 through 43.43.842, and, when necessary, in consultation with law enforcement personnel; and

(6) Require the licensee to complete additional criminal history background checks and disclosure statements for an individual associated with the licensee or having direct contact with children under sixteen years of age, people with developmental disabilities, or vulnerable persons if the department has reason to believe that offenses specified under RCW 43.43.830 have occurred since completion of the previous disclosure statement and criminal background inquiry.

#### NEW SECTION

**WAC 246-335-345 Statement of deficiencies, plan of correction, and enforcement action.** To ensure compliance with chapters 246-335 WAC and 70.127 RCW, the department may:

(1) Issue a statement of deficiencies following a survey which identifies noncompliance with chapter 70.127 RCW and this chapter. The statement of deficiencies will include a brief statement of what is required to achieve compliance, the date by which the department requires compliance to be achieved, contact information for any technical assistance services provided by the department, and notice of the process and timeline for requesting an extension of time for good cause to achieve compliance.

(2) Require licensee to submit a written plan of correction within ten working days of receipt of the statement of deficiencies to address deficiencies that are determined to not be significant, broadly systemic, or recurring.

(a) Under this chapter, a "plan of correction" is a form developed by the department and completed by the licensee that describes:

- (i) How each deficiency will be or was corrected;
- (ii) What measures or monitors will be put in place to ensure the deficiencies do not recur;
- (iii) Who is responsible for correcting each deficiency; and
- (iv) When each deficiency will be or has been corrected.

(b) The licensee must complete all corrections within sixty days, unless the department authorizes a longer time frame for correction of some of the deficiencies. Implementation of the plan of correction is subject to verification by the department.

(3) Issue a directed plan of correction following a survey which identifies deficiencies that are determined to be significant, broadly systemic, and are not in the categories specified in RCW 70.127.180(3) for which a licensee may be subject to a formal enforcement action.

(a) The department may choose to issue a directed plan of correction if the department deems the plan of correction

submitted by the licensee to be unacceptable because the actions proposed will not correct the deficiencies, will take too long, or fails to protect the public health, safety, and welfare;

(b) Implementation, progression, and completion of the directed plan of correction may be verified by the department.

(4) Deny, restrict, condition, modify, suspend, or revoke a license and assess civil monetary penalties as authorized in RCW 70.127.170 and 70.127.180(3).

(5) Summarily suspend or limit a license pending an enforcement action as authorized in RCW 34.05.479 if deficiencies are identified that pose an imminent risk of harm to clients or patients.

(6) The licensee shall sign and return the completed plan of correction or directed plan of correction to the department on or before the required date.

(7) Neither the requirement to submit a plan of correction nor a directed plan of correction is an agency action for which an adjudicative hearing must be afforded to the licensee.

(8) The failure to correct the deficiencies in the statement of deficiencies or the failure to comply with the plan of correction or directed plan of correction may be grounds for an action against the license or a civil monetary penalty under RCW 70.127.170 and 70.127.180(3).

(9) If the department initiates action to deny, restrict, condition, modify, suspend or revoke a license or to assess civil monetary penalties as authorized in RCW 70.127.170 and 70.127.180(3), the applicant or licensee will be afforded an adjudicative hearing opportunity under chapter 34.05 RCW, RCW 43.70.115, and chapter 246-10 WAC.

#### NEW SECTION

**WAC 246-335-350 Substantial equivalency to the state survey requirement.** To ensure compliance with chapters 246-335 WAC and 70.127 RCW, the following substantial equivalency options apply that satisfy the state survey requirement:

(1) An in-home services licensee that is approved to provide home health or hospice services and is certified by the federal medicare program is not subject to the state survey requirement when the following have been met:

(a) The department has determined that the applicable survey standards of the certification program are substantially equivalent to those required by this chapter and chapter 70.127 RCW;

(b) Verification that an on-site medicare survey has been conducted during the previous twenty-four months; and

(c) The licensee or the federal medicare program submits to the department the information required in subsection (4) of this section.

(2) An in-home services licensee that is approved to provide home health or hospice services and is accredited by a department approved certification or accrediting organization is not subject to the state survey requirement when the following have been met:

(a) The department has determined that the applicable survey standards of the certification or accrediting program

are substantially equivalent to those required by this chapter and chapter 70.127 RCW;

(b) Verification that an on-site accreditation survey has been conducted during the previous twenty-four months; and

(c) The licensee or the certification or accrediting program submits to the department the information required in subsection (4) of this section.

(3) An in-home services licensee that is approved to provide home care services under contract with and monitored by DSHS or the AAA to provide home care services is not subject to the state survey requirement when the following have been met:

(a) The department has determined that the applicable survey standards of DSHS or the AAA are substantially equivalent to those required by this chapter and chapter 70.127 RCW;

(b) Verification that an on-site DSHS or AAA monitoring has been conducted during the previous twenty-four months;

(c) The licensee has submitted to the department a copy of the final executed contract; and

(d) DSHS or the AAA submits to the department copies of monitoring reports and other relevant reports or finding that indicate compliance with licensure requirements, and the monitoring reports include samples of private pay clients, if applicable.

(4) An in-home services licensee that is approved to provide home health or hospice services and is accredited by a department approved accrediting organization or certified by the federal medicare program, that wants to be exempt from the state survey requirement as authorized in RCW 70.127.085, must submit to the department:

(a) Verification of initial or ongoing accreditation or certification; and

(b) A copy of the most recent decisions and findings of the accrediting organization or the federal medicare program based on an on-site survey within the twenty-four month period preceding the request for state survey exemption.

(5) Nothing in this section shall prevent the department from:

(a) Conducting validation surveys of agencies consistent with RCW 70.127.085;

(b) Conducting initial surveys for applicants applying for initial licensure or licensees applying to add a new service category to their existing license under this chapter;

(c) Surveying in-home services licensees who have service categories that are not medicare certified, accredited, or monitored by DSHS or the AAA; and

(d) Investigating complaints against in-home services licensees approved through substantial equivalency.

#### NEW SECTION

**WAC 246-335-355 Exemptions and alternative methods.** To request an exemption from specific requirements in this chapter, the applicant or licensee must submit a written request to the department including:

(1) A description of the requested exemption and alternatives, if appropriate;

(2) Rationale for the exemption;



- (3) Impact of the exemption on public health and safety; and
- (4) Any other information the department requests.
- (5) The department may grant the applicant or licensee an exemption from a requirement of this chapter if:
- (a) The department determines the exemption will not jeopardize public health or safety; and
- (b) The exemption is not contrary to the intent of chapter 70.127 RCW and the requirements of this chapter.
- (6) The licensee must retain a copy of each approved exemption and have them available at all times.
- (7) An exemption is limited to a specific requirement and for the licensee who receives it. The exemption does not apply to a new owner due to a change of ownership under WAC 246-335-330.

## Part 2 - Requirements Specific to Home Care Agency Services

### NEW SECTION

**WAC 246-335-405 Applicability.** The requirements in WAC 246-335-405 through 246-335-455 apply to all in-home services agencies licensed to provide home care services.

### NEW SECTION

**WAC 246-335-410 Definitions—Home care.** The definitions in this section apply throughout WAC 246-335-405 through 246-335-455 unless the context clearly indicates otherwise:

- (1) "Certified home care aide" or "home care aide" means an individual credentialed under chapters 18.88B RCW and 246-980 WAC.
- (2) "Client" means an individual receiving home care services.
- (3) "Comprehensive assessment reporting evaluation" or "CARE" means the DSHS assessment tool used by case managers to document a client's functional ability, determine eligibility for long-term care services, evaluate what and how much assistance a client will receive, and develop a plan of care.
- (4) "Home care agency" means a person administering or providing home care services directly or through a contract arrangement to individuals in places of permanent or temporary residence. A home care agency that provides delegated tasks of nursing under RCW 18.79.260 (3)(e) is not considered a home health agency for purposes of this chapter.
- (5) "Home care services" means nonmedical services and assistance provided to ill, disabled, or vulnerable individuals that enable them to remain in their residences. Home care services include, but are not limited to: Personal care such as assistance with dressing, feeding, and personal hygiene to facilitate self-care; homemaker assistance with household tasks, such as housekeeping, shopping, meal planning and preparation, and transportation; respite care assistance and support provided to the family; or other nonmedical services or delegated tasks of nursing under RCW 18.79.260 (3)(e).

(6) "Long-term care worker" means an individual providing hands-on personal care services to the elderly or persons with disabilities according to RCW 74.39A.009. A long-term care worker employed by a home care agency is either credentialed as a certified home care aide under chapters 18.88A RCW and 246-980 WAC or meets the exemption criteria according to chapter 246-980 WAC.

(7) "Supervisor of direct care services" means an individual responsible for services that support the plan of care provided by an in-home services agency licensed to provide home care services.

### NEW SECTION

**WAC 246-335-415 Plan of operation.** The applicant or licensee must develop and implement a plan of operation which includes:

- (1) A description of the organizational structure;
- (2) Personnel job descriptions according to WAC 246-335-425(2);
- (3) Responsibilities of contractors and volunteers;
- (4) Services to be provided;
- (5) The days and hours of agency operation; and
- (6) Criteria for management and supervision of home care services throughout all approved service areas, which includes:
- (a) How the initial intake and development of the plan of care will be completed per WAC 246-335-440;
- (b) How supervision of personnel and volunteers and monitoring of services provided by contractors will occur which meet the requirements of WAC 246-335-445;
- (c) How performance evaluations for personnel and volunteers and evaluation of services provided by contractors will be conducted per WAC 246-335-425 (14) and (15); and
- (d) How the quality improvement program required in WAC 246-335-455 will be applied throughout all approved service areas.
- (7) A process to inform clients of alternative services prior to ceasing operation or when the licensee is unable to meet the client's needs;
- (8) A plan for preserving records, including the process to preserve or dispose of records prior to ceasing operation according to WAC 246-335-450 (7) and (8); and
- (9) Time frames for filing documents in the client records;
- (10) Emergency preparedness that addresses service delivery when natural disasters, man-made incidents, or public health emergencies occur that prevent normal agency operation. Include, at minimum: Risk assessment and emergency planning, communication plan, informing local officials of clients in need of evacuation, and staff training and drills to test emergency plan;
- (11) The applicant or licensee must identify an administrator. The administrator must be a home care employee and possess education and experience required by the agency's policies. The administrator is responsible to:
- (a) Oversee the day-to-day operation and fiscal affairs of the agency;
- (b) Implement the provisions of this section;

(c) Designate in writing an alternate to act in the administrator's absence;

(d) Provide management and supervision of services throughout all approved service areas according to subsection (6) of this section;

(e) Arrange for necessary services;

(f) Keep contracts current and consistent with WAC 246-335-425(4);

(g) Serve as a liaison between the licensee, personnel, contractors and volunteers;

(h) Ensure personnel, contractors and volunteers are currently credentialed by the state of Washington, when appropriate, according to applicable practice acts and consistent with WAC 246-335-425(5);

(i) Ensure personnel, contractors and volunteers comply with the licensee's policies and procedures;

(j) Implement a quality improvement process consistent with WAC 246-335-455;

(k) Manage recordkeeping according to WAC 246-335-450;

(l) Ensure supplies and equipment necessary to client care are available, maintained, and in working order;

(m) Ensure the accuracy of public information materials; and

(n) Ensure current written policies and procedures are accessible to personnel, contractors, and volunteers during hours of operation.

(12) The licensee must continue to update its plan of operation to reflect current practice, services provided by the agency, and state and local laws.

#### NEW SECTION

**WAC 246-335-420 Delivery of services.** The applicant or licensee must develop and operationalize delivery of services policies and procedures that describe:

(1) Admission, transfer, discharge, and referral processes:

(a) In order to minimize the possibility of client abandonment, clients must be given at least a forty-eight hour written or verbal notice prior to discharge that will be documented in the client record;

(b) Forty-eight hour notice is not required if home care agency worker safety, significant client noncompliance, or client's failure to pay for services rendered are the reason(s) for the discharge;

(c) A home care agency discharging a client that is concerned about their ongoing care and safety may submit a self-report to appropriate state agencies which identifies the reasons for discharge and the steps taken to mitigate safety concerns;

(2) Specific nonmedical services available to meet client, or family needs as identified in the plan of care;

(3) Home care services starting within seven calendar days of receiving and accepting a referral for services. Longer time frames are permitted when one or more of the following is documented:

(a) Longer time frame for the start of services is requested by the client, designated family member, or legal representative, or referral source;

(b) Longer time frame for the start of services is agreed upon by the client, designated family member, or legal representative, or referral source in order for agency to select and hire an appropriate caregiver to meet the needs of the client;

(c) Start of services was delayed due to agency having challenges contacting client, designated family member, or legal representative;

(d) Home care agencies under contract with DSHS or the AAA may follow different time frames for the start of services as established in the terms of the contract.

(4) Agency personnel, contractor, and volunteer roles and responsibilities related to medication self-administration with assistance;

(5) Coordination of care, including:

(a) Coordination among services being provided by a licensee having an additional home health or hospice service category; and

(b) Coordination with other agencies when the care being provided impacts client health;

(6) Actions to address client, or family communication needs;

(7) Emergency care of the client;

(8) Providing back-up care to the client when services cannot be provided as scheduled. Back-up care which requires assistance with client ADLs must be provided by staff with minimum credentialing or workers who meet the exemption criteria in chapter 246-980 WAC. Noncredentialed staff may provide back-up care only when assisting a client with IADLs or in emergency situations;

(9) Actions to be taken upon death of a client;

(10) Actions to be taken when client has a signed advanced directive;

(11) Actions to be taken if a client has a signed POLST form. Any section of the POLST form not completed implies full treatment for that section. At minimum, include: In the event of a client medical emergency and agency staff are present, provide emergency medical personnel with a client's signed POLST form;

(12) If the home care agency chooses to offer assistance with taking vital signs, then relevant policies and procedures must comply with the following minimum requirements:

(a) Assistance with taking vital signs for informational purposes only, due to client being unable to complete tasks independently. Home care agency workers may only assist clients in the process of taking their own vital signs. Examples of assistance include, but are not limited to, handing client a digital thermometer, sliding blood pressure cuff over client's arm, turning on a device, recording digital readings and communicating those readings back to the client, designated family member, or legal representative. Devices used must be electronically operated with digital readouts; and

(b) Assistance with taking vital signs to determine when to take or exclude prescribed medications, or what dosage of medication to take due to client being unable to complete tasks independently. Agencies must contract with a registered nurse to determine if nurse delegation is appropriate and train agency worker(s) on taking specific vital signs and to understand how the readings relate to the medications that the client needs to take;

(13) If a home care agency chooses to offer assistance with passive range of motion exercises for maintenance purposes only, then relevant policies and procedures must comply with the following minimum requirements:

(a) Ensure the client provides the agency with a copy of their passive range of motion exercise plan established by a physical therapist licensed under chapter 18.74 RCW, an occupational therapist licensed under chapter 18.59 RCW, or a qualified registered nurse licensed under chapter 18.79 RCW. The date of the plan must be within twelve months of requesting assistance with passive range of motion. The plan must clearly state that the passive range of motion is for maintenance purposes only. Passive range of motion for purposes of restoring joint function is outside the scope of a home care agency to provide;

(b) If the exercise plan is older than twelve months or does not clearly state for maintenance purposes only, the agency will direct client to get an updated or new passive range of motion plan from their health care provider;

(c) Ensure and document passive range of motion skills verification of assigned agency workers, consistent with WAC 246-335-425(9), prior to the provision of these services;

(d) Ensure clients receiving passive range of motion submit to the agency an updated exercise plan from their health care provider at least annually; and

(14) Nurse delegation according to the following:

(a) Delegation is only permitted for stable and predictable clients requiring specific nursing tasks that do not require clinical judgment;

(b) Home care agencies are not required to provide nurse delegation services and do not need a policy if they do not provide these services;

(c) A licensee with an approved home care service category only may provide nurse delegation in the following ways:

(i) Contract with a registered nurse for any client needing nurse delegation;

(ii) DSHS or the AAA that contracts with licensees to provide home care services to medicaid eligible clients are responsible to establish contracts with registered nurse delegators for any client needing nurse delegation; and

(d) Home care agency credentialed workers must complete the core delegation training from DSHS prior to participating in the delegation process. Home care agency workers must also comply with any nurse delegation requirements specific to their department issued credential.

#### NEW SECTION

**WAC 246-335-425 Personnel, contractor, and volunteer policies.** The applicant or licensee must develop and operationalize personnel, contractor, and volunteer policies and procedures that describe:

(1) Employment criteria regarding discrimination consistent with chapter 49.60 RCW;

(2) Job descriptions that contain responsibilities and are consistent with health care professional credentialing and scope of practice as defined in relevant practice acts and rules;

(3) References for personnel, contractors and volunteers;

(4) Contracting process when using a contractor. The contract should include, at minimum, a description of the duties the contractor will perform, and a statement indicating that the contractor, not the employer, is responsible for withholding any necessary taxes. As with personnel and volunteers, contractors are subject to all applicable requirements in this chapter;

(5) Credentials of health care professionals that are current and in good standing;

(6) Criminal history background checks and disclosure statements for personnel, contractors, volunteers, students, and any other individual associated with the licensee having direct contact with children under sixteen years of age, people with developmental disabilities or vulnerable persons according to RCW 43.43.830 through 43.43.842 and the following:

(a) Criminal history background checks must be processed through the Washington state patrol (WSP);

(b) Disclosure statements must be approved by the department; and

(c) All criminal history background checks and disclosure statements required under this chapter must be renewed within two years from the date of the previous check;

(7) Character, competence, and suitability determination conducted for personnel, contractors, volunteers, and students whose background check results reveal nondisqualifying convictions, pending charges, or negative actions. Factors to consider when making a determination include, but are not limited to:

(a) Whether there is a reasonable, good faith belief that they would be unable to meet the care needs of the client;

(b) Level of vulnerability of the client under their care;

(c) Behaviors since the convictions, charges, negative actions or other adverse behaviors;

(d) Pattern of offenses or other behaviors that may put the client at risk;

(e) Number of years since the conviction, negative action, or other issue;

(f) Whether they self-disclosed the conviction(s), pending charge(s) or negative action(s);

(g) Other health and safety concerns; and

(h) Although a licensee may determine, based on their assessment process, that an employee is suitable to work with vulnerable clients, the department has the final authority to deny, revoke, modify, or suspend any professional credential it issues based on application and criminal background check information.

(8) Mandatory reporting:

(a) Mandatory reporters shall report failure to comply with the requirements of chapters 246-335 WAC and 70.127 RCW to the department. The report must be submitted on department forms. Reports must be submitted within fourteen calendar days after the reporting person has knowledge of noncompliance that must be reported;

(b) Mandatory reporters shall report suspected abandonment, abuse, financial exploitation, or neglect of a person in violation of RCW 74.34.020 or 26.44.030 to the department of social and health services and the proper law enforcement agency. Reports must be submitted immediately when the

reporting person has reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred;

(9) In-person contact with personnel, contractors, and volunteers prior to providing client services;

(10) In-person orientation to current agency policies and procedures and verification of skills or training prior to independently providing client care. Examples of skills verification include written testing, skills observation, and evidence of previous training and experience such as long-term care worker training as detailed in RCW 74.39A.074 and certified nursing assistant training as detailed in WAC 246-841-400;

(11) Ongoing training pertinent to client care needs;

(12) Safe food storage, preparation and handling practices consistent with the United States Food and Drug Administration's recommendations for "food safety at home" for personnel, contractors, and volunteers involved in food preparation services on behalf of clients. Personnel, contractors, and volunteers may not provide clients with homemade food items or baked goods that they themselves prepared;

(13) Infection control practices, communicable disease testing, and vaccinations. Policies and procedures must include, at minimum:

(a) Standard precautions such as hand hygiene, respiratory hygiene and cough etiquette, and personal protective equipment;

(b) Availability of personal protective equipment and other equipment necessary to implement client plans of care;

(c) Tuberculosis (TB) infection control program. Key elements include, but are not limited to:

(i) Conducting a TB risk assessment for all new employees upon hire. Agencies must use a tuberculosis risk assessment form provided by the department. Based on risk assessment results, determine the agency's responsibility to conduct TB testing of new employees. If TB testing is required, follow the department's tuberculosis risk assessment form testing recommendations;

(ii) Conducting an annual assessment of new TB risk factors for all employees. Agencies must use a tuberculosis risk assessment form provided by the department. Based on risk assessment results, determine agency's responsibility to conduct TB testing of employees. Retesting should only be done for persons who previously tested negative and have new risk factors since the last assessment; and

(iii) Ensuring workers receive TB related training and education at the time of hire or during new employee orientation. Training and education must be consistent with the department's tuberculosis program's online posted educational materials.

(d) Actions to take when personnel, volunteers, contractors, or clients exhibit or report symptoms of a communicable disease in an infectious stage in accordance with chapters 246-100 and 246-101 WAC;

(e) Exposure to bloodborne pathogens such as Hepatitis B and HIV and other potentially infectious materials in compliance with the department of labor and industries, chapter 296-823 WAC. Key elements include, but are not limited to:

(i) Conducting an initial risk assessment of the environment in which personnel, volunteers, and contractors perform their assigned duties to determine occupational exposure.

The results of the risk assessment will inform policy and procedure development and level of employee training and education. Annually, agencies must determine if significant changes have occurred that would require a new risk assessment to be performed;

(ii) If the risk assessment concludes that workers have a reasonably anticipated risk of occupational exposure to blood and other potentially infectious materials, agencies must offer workers the Hepatitis B vaccine series at the agency's expense. Workers have the right to decline the Hepatitis B vaccine series; and

(f) Agencies must document an annual review of applicable state and federal health authority recommendations related to infection control practices, communicable disease testing, and vaccinations and update trainings and policies and procedures as necessary.

(14) Annual performance evaluations of all personnel and volunteers providing direct client care, including on-site observation of care and skills specific to the care needs of clients; and

(15) Annual evaluations of services provided by contractors providing direct client care.

#### NEW SECTION

**WAC 246-335-430 Personnel, contractor, and volunteer records.** The licensee must maintain records on all personnel and volunteers and have access to records on all contractors to include:

(1) Current practice certification, credential, licensure, or documentation that noncredentialed long-term care workers meet the exemption criteria in chapter 246-980 WAC, as applicable;

(2) Documentation of references;

(3) Evidence of orientation to current agency policies and procedures;

(4) Contracts when using contractors;

(5) Verification of personnel, contractor, and volunteer skills or training specific to meeting the care needs of clients;

(6) Evidence of initial and subsequent criminal history background checks and disclosure statements according to RCW 43.43.830 through 43.43.842 and this chapter;

(7) Training on current and revised agency policies and procedures, including client care issues;

(8) Documentation for personnel, contractors, and volunteers who prepare food for the client independent of the client's assistance, including:

(a) A current food worker card per chapter 246-215 WAC; or

(b) Training equivalent to United States Food and Drug Administration; or

(c) Home care aide certification for personnel, contractors, and volunteers involved in food preparation services on behalf of clients.

(9) Communicable disease testing and vaccination according to current state and federal health authority recommendations; and

(10) Documentation of performance evaluations of personnel and volunteers providing direct client care and evalu-

ations of services provided by contractors providing direct client care as required in WAC 246-335-425 (15) and (16).

#### NEW SECTION

**WAC 246-335-435 Bill of rights.** A home care agency at the time of admission must provide each client, designated family member, or legal representative with a written bill of rights affirming each client's right to:

- (1) Receive quality services from the home care agency for services identified in the plan of care;
- (2) Be cared for by appropriately trained or credentialed personnel, contractors and volunteers with coordination of services;
- (3) A statement advising of the right to ongoing participation in the development of the plan of care;
- (4) A statement advising of the right to have access to the department's listing of licensed home care agencies and to select any licensee to provide care, subject to the individual's reimbursement mechanism or other relevant contractual obligations;
- (5) A listing of the total services offered by the home care agency and those being provided to the client;
- (6) Refuse specific services;
- (7) The name of the individual within the home care agency responsible for supervising the client's care and the manner in which that individual may be contacted;
- (8) Be treated with courtesy, respect, and privacy;
- (9) Be free from verbal, mental, sexual, and physical abuse, neglect, exploitation, and discrimination;
- (10) Have property treated with respect;
- (11) Privacy and confidentiality of personal information and health care related records;
- (12) Be informed of what the home care agency charges for services, to what extent payment may be expected from care insurance, public programs, or other sources, and what charges the client may be responsible for paying;
- (13) A fully itemized billing statement upon request, including the date of each service and the charge. Agencies providing services through a managed care plan are not required to provide itemized billing statements;
- (14) Be informed about advanced directives and POLST, and the agency's scope of responsibility;
- (15) Be informed of the agency's policies and procedures regarding the circumstances that may cause the agency to discharge a client;
- (16) Be informed of the agency's policies and procedures for providing back-up care when services cannot be provided as scheduled;
- (17) A description of the agency's process for clients and family to submit complaints to the home care agency about the services and care they are receiving and to have those complaints addressed without retaliation;
- (18) Be informed of the department's complaint hotline number to report complaints about the licensed agency or credentialed health care professionals; and
- (19) Be informed of the DSHS end harm hotline number to report suspected abuse of children or vulnerable adults.

(20) The home care agency must ensure that the client rights under this section are implemented and updated as appropriate.

#### NEW SECTION

**WAC 246-335-440 Home care plan of care.** Except as provided in subsections (5) and (6) of this section, the licensee must:

- (1) Develop and implement a written home care plan of care for each client with input and written approval by the client, designated family member, or legal representative;
- (2) Ensure each plan of care is developed by appropriately trained or credentialed agency personnel, lists services requested or recommended to meet client needs, and is based on an on-site visit and according to agency policies and procedures;
  - (3) Ensure the home care plan of care includes:
    - (a) The client's functional limitations;
    - (b) Nutritional needs and food allergies for meal preparation;
    - (c) Home medical equipment and supplies relevant to the plan of care;
    - (d) Indication that the client has a signed advanced directive or POLST, if applicable;
    - (e) Nurse delegation tasks, if applicable; and
    - (f) Specific nonmedical services to be provided and their frequency.
  - (4) Develop and implement a system to:
    - (a) Ensure the plan of care is reviewed on-site, updated, approved and signed by appropriate agency personnel and the client, designated family member, or legal representative every twelve months and whenever significant changes to client care needs are identified; and
    - (b) Inform the supervisor of direct care services regarding changes in the client's condition that indicate a need to update the plan of care.
- (5) Home care agencies providing a one-time visit for a client may provide the following written documentation in lieu of the home care plan of care and client record requirements in WAC 246-335-450(3):
  - (a) Client name, age, current address, and phone number;
  - (b) Confirmation that the client was provided a written bill of rights under WAC 246-335-435;
  - (c) Client consent for services to be provided; and
  - (d) Documentation of services provided.
- (6) Home care agencies that have a contract with the AAA to provide home care services to medicaid eligible clients may use the DSHS CARE assessment details and service summary, or successor assessment tool, as the plan of care if it covers all items in subsection (3) of this section.

#### NEW SECTION

**WAC 246-335-445 Supervision of home care services.** (1) The licensee must employ a supervisor of direct care services;

(2) The supervisor of direct care services must designate in writing a similarly qualified alternate to act in the supervisor's absence;

(3) The licensee shall ensure the supervisor of direct care services and the designated alternate completes a minimum of ten hours of training annually. Training must be documented and maintained in the personnel files. Training may include a combination of topics related to supervisory duties and the delivery of home care services. Examples of appropriate training include, but are not limited to:

- (a) Agency sponsored in-services;
  - (b) Community venues;
  - (c) Community classes;
  - (d) Conferences;
  - (e) Seminars;
  - (f) Continuing education related to the supervisor's professional credential, if applicable; and
  - (g) Supervisory responsibilities in the event of a natural disaster, man-made incident, or public health emergency.
- (4) The supervisor or designee must be available during all hours of client care;
- (5) The supervisor of direct care services must ensure:
- (a) Supervision of all client care provided by personnel and volunteers;
  - (b) Evaluation of services provided by contractors;
  - (c) Coordination, development, and revision of written client care policies;
  - (d) Participation in coordination of services when more than one licensee is providing care to the client;
  - (e) Compliance with the plan of care;
  - (f) All direct care personnel, contractors, and volunteers observe and recognize changes in the client's condition and needs, and report any changes to the supervisor of direct care services or the designee;
  - (g) All direct care personnel, contractors, and volunteers initiate emergency procedures according to agency policy;
  - (h) Each home care agency worker reviews the plan of care and any additional written instructions for the care of each client prior to providing home care services and whenever there is a change in the plan of care; and
  - (i) Each home care agency worker assists with medications according to agency policy and this chapter.
- (6) The supervisor of direct care services must conduct and document client contact by phone or visit every six months to evaluate compliance with the plan of care and to assess client satisfaction with care.

#### NEW SECTION

**WAC 246-335-450 Client records.** The licensee must:

- (1) Maintain a current record for each client consistent with chapter 70.02 RCW;
- (2) Ensure that client records are:
  - (a) Accessible in the licensee's office location for review by appropriate direct care personnel, volunteers, contractors, and the department;
  - (b) Written legibly in permanent ink or retrievable by electronic means;
  - (c) On the licensee's standardized forms or electronic templates;
  - (d) In a legally acceptable manner;
  - (e) Kept confidential;

(f) Chronological in its entirety or by the service provided;

(g) Fastened together to avoid loss of record contents (paper documents); and

(h) Kept current with all documents filed according to agency time frames per agency policies and procedures.

(3) Except as provided in subsection (4) of this section, include documentation of the following in each record:

(a) Client's name, age, current address, and phone number;

(b) Client's consent for services and care;

(c) Payment source and client responsibility for payment;

(d) Plan of care according to WAC 246-335-440, depending upon the services provided;

(e) Signed or electronically authenticated and dated notes documenting and describing services provided during each client contact;

(f) Supervision of home care services according to WAC 246-335-445; and

(g) Other documentation as required by this chapter.

(4) For clients receiving a one-time visit, provide the documentation required in WAC 246-335-440(5) in lieu of the requirements in subsection (3) of this section;

(5) Consider the records as property of the licensee and allow the client access to his or her own record; and

(6) Upon request and according to agency policy and procedure, provide client information or a summary of care when the client is transferred or discharged to another agency or facility.

(7) The licensee must keep client records for:

(a) Adults - Three years following the date of termination of services;

(b) Minors - Three years after attaining age eighteen, or five years following discharge, whichever is longer; and

(c) Client death - Three years following the last date of termination of services if client was on services when death occurred.

(8) The licensee must:

(a) Store client records in a safe and secure manner to prevent loss of information, to maintain the integrity of the record, and to protect against unauthorized use;

(b) Maintain or release records in accordance with chapter 70.02 RCW; and

(c) After ceasing operation, retain or dispose of client records in a confidential manner according to the time frames in subsection (7) of this section.

#### NEW SECTION

**WAC 246-335-455 Quality improvement program.**

Every home care licensee must develop and operationalize a quality improvement program to ensure the quality of care and services provided throughout all approved service areas including, at a minimum:

(1) A complaint process that includes a procedure for the receipt, investigation, and disposition of complaints regarding services provided;

(2) A method to identify, monitor, evaluate, and correct problems identified by clients, families, personnel, contractors, or volunteers; and

(3) A system to assess client satisfaction with the overall services provided by the agency.

### Part 3 - Requirements Specific to Home Health Agency Services

#### NEW SECTION

**WAC 246-335-505 Applicability.** The requirements in WAC 246-335-505 through 246-335-560 apply to all in-home services agencies licensed to provide home health services.

#### NEW SECTION

**WAC 246-335-510 Definitions—Home health.** The definitions in the section apply throughout WAC 246-335-505 through 246-335-560 unless the context clearly indicates otherwise:

(1) "Acute care" means care provided by an in-home services agency licensed to provide home health services for patients who are not medically stable or have not attained a satisfactory level of rehabilitation. These patients require frequent monitoring by a registered nurse licensed under chapter 18.79 RCW, a physical therapist licensed under chapter 18.74 RCW, a respiratory therapist licensed under chapter 18.89 RCW, an occupational therapist licensed under chapter 18.59 RCW, a speech therapist licensed under chapter 18.35 RCW, a dietician certified under chapter 18.138 RCW, or social worker licensed under chapter 18.320 RCW to assess health status and progress.

(2) "Assessment" means an evaluation performed by an appropriate health care professional of a patient's needs.

(3) "Authorizing practitioner" means the individual practitioners licensed in Washington state, or another state according to the exemption criteria established in chapters 18.57, 18.71, and 18.79 RCW, and authorized to approve a home health plan of care:

(a) A physician licensed under chapter 18.57 or 18.71 RCW;

(b) A podiatric physician and surgeon licensed under chapter 18.22 RCW; or

(c) An advanced registered nurse practitioner (ARNP), as authorized under chapter 18.79 RCW.

(4) "Cardiopulmonary resuscitation" or "CPR" means a procedure to support and maintain breathing and circulation for a person who has stopped breathing (respiratory arrest) or whose heart has stopped (cardiac arrest).

(5) "Dietician" means a person certified under chapter 18.138 RCW or registered by the Academy of Nutrition and Dietetics.

(6) "Director of clinical services" means an individual responsible for nursing, therapy, nutritional, social, and related services that support the plan of care provided by in-home health and hospice agencies.

(7) "Home health agency" means a person administering or providing two or more home health services directly or

through a contract arrangement to individuals in places of temporary or permanent residence. A person administering or providing nursing services only may elect to be designated a home health agency for purposes of licensure.

(8) "Home health aide" means an individual who is a nursing assistant certified or nursing assistant registered under chapter 18.88A RCW.

(9) "Home health aide services" means services provided by a home health agency or a hospice agency under the supervision of a registered nurse, physical therapist, occupational therapist, or speech therapist who is employed by or under contract to a home health or hospice agency. Such care includes ambulation and exercise, assistance with self-administered medications, reporting changes in patients' conditions and needs, completing appropriate records, and personal care or homemaker services.

(10) "Home health services" means services provided to ill, disabled, or vulnerable individuals. These services include, but are not limited to, nursing services, home health aide services, physical therapy services, occupational therapy services, speech therapy services, respiratory therapy services, nutritional services, medical social services, and home medical supplies or equipment services.

(11) "Home medical supplies or equipment services" means diagnostic, treatment, and monitoring equipment and supplies provided for the direct care of individuals within a plan of care.

(12) "Licensed practical nurse" or "LPN" means an individual licensed under chapter 18.79 RCW.

(13) "Licensed nurse" means a licensed practical nurse or registered nurse under chapter 18.79 RCW.

(14) "Maintenance care" means care provided by in-home services agencies licensed to provide home health services that are necessary to support an existing level of health, to preserve a patient from further failure or decline, or to manage expected deterioration of disease. Maintenance care consists of periodic monitoring by a licensed nurse, therapist, dietician, or social worker to assess a patient's health status and progress.

(15) "Medication administration" means assistance with the application, instillation, or insertion of medications according to a plan of care, for patients of an in-home services agency licensed to provide home health services and are under the direction of appropriate agency health care personnel. The assistance is provided in accordance with the Nurse Practice Act as defined in chapters 18.79 RCW and 246-840 WAC and the nursing assistant scope of practice as defined in chapters 18.88A RCW and 246-841 WAC.

(16) "Palliative care" means patient and family-centered care that optimizes quality of life and comfort by anticipating, preventing, and treating suffering. Palliative care throughout the continuum of illness involves addressing physical, intellectual, emotional, social, and spiritual needs and to facilitate patient autonomy, access to information, and choice.

(17) "Patient" means an individual receiving home health services.

(18) "Professional medical equipment assessment services" means periodic care provided by a registered nurse licensed under chapter 18.79 RCW, a physical therapist

licensed under chapter 18.74 RCW, an occupational therapist licensed under chapter 18.59 RCW, a respiratory therapist licensed under chapter 18.89 RCW, or dietician certified under chapter 18.138 RCW within their scope of practice, for patients who are medically stable, for the purpose of assessing the patient's medical response to prescribed professional medical equipment, including, but not limited to, measurement of vital signs, oximetry testing, and assessment of breath sounds and lung function (spirometry).

(19) "Registered nurse" or "RN" means an individual licensed under chapter 18.79 RCW.

(20) "Social worker" means a person with a degree from a social work educational program accredited and approved as provided in RCW 18.320.010 or who meets qualifications provided in 42 C.F.R. Sec. 418.114 as it existed on January 1, 2012.

(21) "Telehealth" means a collection of means or methods for enhancing health care, public health, and health education delivery and support using telecommunications technology. Telehealth encompasses a broad variety of technologies and tactics to deliver virtual medical, health, and education services.

(22) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. "Telemedicine" does not include the use of audio-only telephone, facsimile, or electronic mail.

(23) "Therapist" means an individual who is:

(a) A physical therapist licensed under chapter 18.74 RCW;

(b) A respiratory therapist licensed under chapter 18.89 RCW;

(c) An occupational therapist licensed under chapter 18.59 RCW;

(d) A speech therapist licensed under chapter 18.35 RCW; or

(e) A massage therapist licensed under chapter 18.108 RCW.

(24) "Therapy assistant" means a licensed occupational therapy assistant defined under chapter 18.59 RCW or physical therapist assistant defined under chapter 18.74 RCW.

#### NEW SECTION

**WAC 246-335-515 Plan of operation.** The applicant or licensee must develop and implement a plan of operation which includes:

(1) A description of the organizational structure;

(2) Personnel job descriptions according to WAC 246-335-525(2);

(3) Responsibilities of contractors and volunteers;

(4) Services to be provided;

(5) The days and hours of agency operation;

(6) Criteria for management and supervision of home health services throughout all approved service areas, which include:

(a) How the initial assessment and development of the plan of care will be completed per WAC 246-335-540;

(b) How supervision of personnel and volunteers and monitoring of services provided by contractors will occur which meet the requirements of WAC 246-335-545;

(c) How performance evaluations for personnel and volunteers and evaluation of services provided by contractors will be conducted per WAC 246-335-525 (16) and (17); and

(d) How the quality improvement program required in WAC 246-335-555 will be applied throughout all approved service areas.

(7) A process to inform patients of alternative services prior to ceasing operation or when the licensee is unable to meet the patient's needs;

(8) A plan for preserving records, including the process to preserve or dispose of records prior to ceasing operation according to WAC 246-335-550 (7) and (8);

(9) Time frames for filing documents in the patient records;

(10) Emergency preparedness that addresses service delivery when natural disasters, man-made incidents, or public health emergencies occur that prevent normal agency operation. Include, at minimum: Risk assessment and emergency planning, communication plan, informing local officials of patients in need of evacuation, and staff training and drills to test emergency plan;

(11) The applicant or licensee must identify an administrator. The administrator must be a home health employee and possess education and experience required by the agency's policies. The administrator is responsible to:

(a) Oversee the day-to-day operation and fiscal affairs of the agency;

(b) Implement the provisions of this section;

(c) Designate in writing an alternate to act in the administrator's absence;

(d) Provide management and supervision of services throughout all approved service areas according to subsection (6) of this section;

(e) Arrange for necessary services;

(f) Keep contracts current and consistent with WAC 246-335-525(4);

(g) Serve as a liaison between the licensee, personnel, contractors and volunteers;

(h) Ensure personnel, contractors and volunteers are currently credentialed by the state of Washington, when appropriate, according to applicable practice acts and consistent with WAC 246-335-525(5);

(i) Ensure personnel, contractors and volunteers comply with the licensee's policies and procedures;

(j) Implement a quality improvement process consistent with WAC 246-335-555;

(k) Manage recordkeeping according to WAC 246-335-550;

(l) Ensure supplies and equipment necessary to patient care are available, maintained, and in working order;

(m) Ensure the accuracy of public information materials; and

(n) Ensure current written policies and procedures are accessible to personnel, contractors, and volunteers during hours of operation.



(12) The licensee must continue to update its plan of operation to reflect current practice, services provided by the agency, and state and local laws.

#### NEW SECTION

**WAC 246-335-520 Delivery of services.** The applicant or licensee must develop and operationalize delivery of services policies and procedures that describe:

(1) Admission, transfer, discharge, and referral processes:

(a) In order to minimize the possibility of patient abandonment, patients must be given at least a forty-eight hour written or verbal notice prior to discharge that will be documented in the patient record;

(b) Forty-eight hour notice is not required if home health agency worker safety, significant patient noncompliance, or patient's failure to pay for services rendered are the reason(s) for the discharge;

(c) A home health agency discharging a patient that is concerned about their ongoing care and safety may submit a self-report to appropriate state agencies which identifies the reasons for discharge and the steps taken to mitigate safety concerns;

(2) Specific home health services, including any non-medical services, available to meet patient or family needs as identified in plans of care;

(3) Home health services starting within seven calendar days of receiving and accepting a physician or practitioner referral for services. Longer time frames are permitted when one or more of the following is documented:

(a) Longer time frame for the start of services is requested by physician or practitioner;

(b) Longer time frame for the start of services is requested by the patient, designated family member, legal representative, or referral source; or

(c) Start of services was delayed due to agency having challenges contacting patient, designated family member, or legal representative;

(4) Agency personnel, contractor, and volunteer roles and responsibilities related to medication self-administration with assistance and medication administration;

(5) Coordination of care, including:

(a) Coordination among services being provided by a licensee having an additional home care or hospice service category; and

(b) Coordination with other agencies when the care being provided impacts patient health.

(6) Actions to address patient, or family communication needs;

(7) Utilization of telehealth or telemedicine for patient consultation purposes or to acquire patient vitals and other health data in accordance with state and federal laws;

(8) Management of patient medications and treatments in accordance with appropriate practice acts;

(9) Emergency care of the patient;

(10) Actions to be taken upon death of a patient;

(11) Providing back-up care to the patient when services cannot be provided as scheduled. Back-up care which requires assistance with patient ADLs or patient health ser-

vices must be provided by staff with minimum health care credentialing. Noncredentialed staff may provide back-up care only when assisting a patient with IADLs or in emergency situations;

(12) Actions to be taken when the patient has a signed advanced directive;

(13) Actions to be taken if a patient has a signed POLST form. Any section of the POLST form not completed implies full treatment for that section. Also include: In the event of a patient medical emergency and agency staff are present, provide emergency medical personnel with a patient's signed POLST form;

(14) Nurse delegation according to the following:

(a) Delegation is only permitted for stable and predictable patients requiring specific nursing tasks that do not require clinical judgment;

(b) A licensee with an approved home health service category only may use their RN on staff for patient nurse delegation needs;

(c) A licensee with approved home health and home care service categories may provide nurse delegation in the following ways:

(i) Use an RN from their home health side to contract with and delegate to their home care side; or

(ii) Transfer a home care client needing delegation to the agency's home health side;

(d) Home health aides must complete the DSHS nurse delegation class prior to participating in the delegation process. If the tasks are ones considered by the nursing quality assurance commission to be simple care tasks, such as blood pressure monitoring, personal care services, diabetic insulin device set up, and verbal verification of insulin dosage for sight-impaired individuals, the DSHS training is not required.

#### NEW SECTION

**WAC 246-335-525 Personnel, contractor, and volunteer policies.** The applicant or licensee must develop and operationalize personnel, contractor, and volunteer policies and procedures that describe:

(1) Employment criteria regarding discrimination consistent with chapter 49.60 RCW;

(2) Job descriptions that contain responsibilities and are consistent with health care professional credentialing and scope of practice as defined in relevant practice acts and rules;

(3) References for personnel, contractors and volunteers;

(4) Contracting process when using a contractor. The contract should include, at minimum, a description of the duties the contractor will perform, and a statement indicating that the contractor, not the employer, is responsible for withholding any necessary taxes. As with personnel and volunteers, contractors are subject to all applicable requirements in this chapter;

(5) Credentials of health care professionals that are current and in good standing;

(6) Criminal history background checks and disclosure statements for personnel, contractors, volunteers, students, and any other individual associated with the licensee having direct contact with children under sixteen years of age, peo-

ple with developmental disabilities or vulnerable persons, according to RCW 43.43.830 through 43.43.842 and the following:

(a) Criminal history background checks must be processed through the Washington state patrol;

(b) Disclosure statements must be approved by the department; and

(c) All criminal history background checks and disclosure statements required under this chapter must be renewed within two years from the date of the previous check;

(7) Character, competence, and suitability determination conducted for personnel, contractors, volunteers, and students whose background check results reveal nondisqualifying convictions, pending charges, or negative actions. Factors to consider when making a determination include, but are not limited to:

(a) Whether there is a reasonable, good faith belief that they would be unable to meet the care needs of the patient;

(b) Level of vulnerability of the patient under their care;

(c) Behaviors since the convictions, charges, negative actions or other adverse behaviors;

(d) Pattern of offenses or other behaviors that may put the patient at risk;

(e) Number of years since the conviction, negative action, or other issue;

(f) Whether they self-disclosed the conviction(s), pending charge(s) and/or negative action(s);

(g) Other health and safety concerns; and

(h) Although a licensee may determine, based on their assessment process, that an employee is suitable to work with vulnerable patients, the department has the final authority to deny, revoke, modify, or suspend any professional credential it issues based on application and criminal background check information.

(8) Mandatory reporting:

(a) Mandatory reporters shall report failure to comply with the requirements of chapters 246-335 WAC and 70.127 RCW to the department. The report must be submitted on department forms. Reports must be submitted within fourteen calendar days after the reporting person has knowledge of noncompliance that must be reported;

(b) Mandatory reporters shall report suspected abandonment, abuse, financial exploitation, or neglect of a person in violation of RCW 74.34.020 or 26.44.030 to the department of social and health services and the proper law enforcement agency. Reports must be submitted immediately when the reporting person has reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred;

(9) In-person contact with personnel, contractors, and volunteers prior to providing patient services;

(10) In-person orientation to current agency policies and procedures and verification of skills or training prior to independently providing patient care. Examples of skills verification include written testing, skills observation, and evidence of previous training and experience such as a certified nursing assistant training as detailed in WAC 246-841-400;

(11) The process for personnel and contractors holding a nursing assistant registration to become credentialed as a

nursing assistant certified. The policies and procedures must include, at minimum:

(a) Personnel and contractors holding a nursing assistant registration must become credentialed as a nursing assistant certified within twelve months of the date of hire. The date of hire is specific to each registered nursing assistant, not to the employer, and does not change if the registered nursing assistant changes employers;

(b) Personnel and contractors who hold a nursing assistant registration and do not become credentialed as a nursing assistant certified within twelve months of the date of hire cannot continue to provide patient care; and

(c) Personnel and contractors hired by an in-home services licensee prior to March 1, 2018, who held a nursing assistant registration and have maintained their registration and employment with the licensee are not required to become credentialed as a nursing assistant certified.

(12) Training on the use of telehealth or telemedicine for patient consultation and the transmission of health data;

(13) Ongoing training pertinent to patient care needs;

(14) Safe food storage, preparation and handling practices consistent with the United States Food and Drug Administration's recommendations for "food safety at home" for personnel, contractors, and volunteers involved in food preparation services on behalf of patients. Personnel, contractors, and volunteers may not provide patients with homemade food items or baked goods that they themselves prepared;

(15) Current cardiopulmonary resuscitation (CPR) training consistent with agency policies and procedures for direct care personnel and contractors. Internet-based classroom training is permissible but demonstration of skills must be hands on and observed by a certified trainer;

(16) Infection control practices, communicable disease testing, and vaccinations. Policies and procedures must include, at minimum:

(a) Standard precautions such as hand hygiene, respiratory hygiene and cough etiquette, and personal protective equipment;

(b) Availability of personal protective equipment and other equipment necessary to implement client plans of care;

(c) Tuberculosis (TB) infection control program. Key elements include, but are not limited to:

(i) Conducting a TB risk assessment for all new employees upon hire. Agencies must use a tuberculosis risk assessment form provided by the department. Based on risk assessment results, determine the agency's responsibility to conduct TB testing of new employees. If TB testing is required, follow the department's tuberculosis risk assessment form testing recommendations;

(ii) Conducting an annual assessment of new TB risk factors for all employees. Agencies must use a tuberculosis risk assessment form provided by the department. Based on risk assessment results, determine agency's responsibility to conduct TB testing of employees. Retesting should only be done for persons who previously tested negative and have new risk factors since the last assessment; and

(iii) Ensuring workers receive TB related training and education at the time of hire or during new employee orientation. Training and education must be consistent with the

department's tuberculosis program's online posted educational materials.

(d) Actions to take when personnel, volunteers, contractors, or clients exhibit or report symptoms of a communicable disease in an infectious stage in accordance with chapters 246-100 and 246-101 WAC;

(e) Exposure to bloodborne pathogens such as Hepatitis B and HIV, and other potentially infectious materials in compliance with the department of labor and industries chapter 296-823 WAC. Key elements include, but are not limited to:

(i) Conducting an initial risk assessment of the environment in which personnel, volunteers, and contractors perform their assigned duties to determine occupational exposure. The results of the risk assessment will inform policy and procedure development and level of employee training and education. Annually, agencies must determine if significant changes have occurred that would require a new risk assessment to be performed;

(ii) If the risk assessment concludes that workers have a reasonably anticipated risk of occupational exposure to blood and other potentially infectious materials, agencies must offer workers the Hepatitis B vaccine series at the agency's expense. Workers have the right to decline the Hepatitis B vaccine series; and

(f) Agencies must document an annual review of applicable state and federal health authority recommendations related to infection control practices, communicable disease testing, and vaccinations and update trainings and policies and procedures as necessary.

(17) Annual performance evaluations of all personnel and volunteers providing direct patient care, including on-site observation of care and skills specific to the care needs of patients; and

(18) Annual evaluations of services provided by contractors providing direct patient care.

#### NEW SECTION

**WAC 246-335-530 Personnel, contractor, and volunteer records.** The licensee must maintain records on all personnel and volunteers and have access to records on all contractors, to include:

(1) Current practice certification, credential or licensure, as applicable;

(2) Documentation of references;

(3) Contracts when using contractors;

(4) Evidence of orientation to current agency policies and procedures;

(5) Verification of personnel, contractor, and volunteer skills or training specific to meeting the care needs of patients;

(6) Documentation that personnel and contractors holding a nursing assistant registration became credentialed as a nursing assistant certified under chapter 246-841 WAC within twelve months of the date of hire or met the exemption criteria in WAC 246-335-525 (10)(c);

(7) Evidence of initial and subsequent criminal history background checks and disclosure statement(s) according to RCW 43.43.830 through 43.43.842 and this chapter;

(8) Training on current and revised agency policies and procedures, including patient care issues;

(9) Current CPR training for direct care personnel and contractors;

(10) Documentation for personnel, contractors, and volunteers who prepare food for the patient independent of the patient's assistance, including:

(a) A current food worker card per chapter 246-215 WAC; or

(b) Training equivalent to United States Food and Drug Administration for personnel, contractors, and volunteers involved in food preparation services on behalf of patients;

(11) Communicable disease testing and vaccination according to current state and federal health authority recommendations; and

(12) Documentation of performance evaluations of personnel and volunteers providing direct patient care and evaluations of services provided by contractors providing direct patient care as required in WAC 246-335-525 (17) and (18).

#### NEW SECTION

**WAC 246-335-535 Bill of rights.** A home health agency at the time of admission must provide each patient, designated family member, or legal representative with a written bill of rights affirming each patient's right to:

(1) Receive effective treatment and quality services from the home health agency for services identified in the plan of care;

(2) Be cared for by appropriately trained or credentialed personnel, contractors and volunteers with coordination of services;

(3) A statement advising of the right to ongoing participation in the development of the plan of care;

(4) A statement advising of the right to have access to the department's listing of licensed home health agencies and to select any licensee to provide care, subject to the individual's reimbursement mechanism or other relevant contractual obligations;

(5) A listing of the total services offered by the home health agency and those being provided to the patient;

(6) Refuse specific treatments or services;

(7) The name of the individual within the home health agency responsible for supervising the patient's care and the manner in which that individual may be contacted;

(8) Be treated with courtesy, respect, and privacy;

(9) Be free from verbal, mental, sexual, and physical abuse, neglect, exploitation, and discrimination;

(10) Have property treated with respect;

(11) Privacy and confidentiality of personal information and health care related records;

(12) Be informed of what the home health agency charges for services, to what extent payment may be expected from health insurance, public programs, or other sources, and what charges the patient may be responsible for paying;

(13) A fully itemized billing statement upon request, including the date of each service and the charge. Agencies providing services through a managed care plan are not required to provide itemized billing statements;

(14) Be informed about advanced directives and POLST and the agency's scope of responsibility;

(15) Be informed of the agency's policies and procedures regarding the circumstances that may cause the agency to discharge a patient;

(16) Be informed of the agency's policies and procedures for providing back-up care when services cannot be provided as scheduled;

(17) A description of the agency's process for patients and family to submit complaints to the home health agency about the services and care they are receiving and to have those complaints addressed without retaliation;

(18) Be informed of the department's complaint hotline number to report complaints about the licensed agency or credentialed health care professionals; and

(19) Be informed of the DSHS end harm hotline number to report suspected abuse of children or vulnerable adults.

(20) The home health agency must ensure that the patient rights under this section are implemented and updated as appropriate.

#### NEW SECTION

**WAC 246-335-540 Home health plan of care.** Except as provided in subsections (5) and (6) of this section, the licensee must:

(1) Develop and implement a written home health plan of care for each patient with input from the patient, designated family member, or legal representative and authorizing practitioner;

(2) Ensure each plan of care is developed by appropriately trained or credentialed agency personnel and is based on a patient assessment;

(3) Ensure the home health plan of care includes:

(a) Current diagnoses and information on health status;

(b) Goals and outcome measures which are individualized for the patient;

(c) Types and frequency of services to be provided;

(d) Palliative care, if applicable;

(e) Use of telehealth or telemedicine, if applicable;

(f) Home medical equipment and supplies used by the patient;

(g) Orders for treatments and their frequency to be provided and monitored by the licensee;

(h) Special nutritional needs and food allergies;

(i) Orders for medications to be administered and monitored by the licensee including name, dose, route, and frequency;

(j) Medication allergies;

(k) The patient's physical, cognitive and functional limitations;

(l) Discharge and referral plan;

(m) Patient and family education needs pertinent to the care being provided by the licensee;

(n) Indication that the patient has a signed advanced directive or POLST, if applicable. Include resuscitation status according to advance directives or POLST, if applicable; and

(o) The level of medication assistance to be provided.

(4) Develop and implement a system to:

(a) Ensure and document that the plan of care is reviewed and updated by appropriate agency personnel according to the following time frames:

(i) For patients requiring acute care services, every two months;

(ii) For patients requiring maintenance services, every six months; and

(iii) For patients requiring only professional medical equipment assessment services or home health aide only services, every twelve months.

(b) Ensure the plan of care is signed or authenticated and dated by appropriate agency personnel and the authorizing practitioner, according to the time frames in (a) of this subsection;

(c) Ensure the signed or authenticated plan care is returned to the agency within sixty days of the initial date of service or date of review and update;

(d) Inform the authorizing practitioner regarding changes in the patient's condition that indicate a need to update the plan of care;

(e) Obtain approval from the authorizing practitioner for additions and modifications;

(f) Ensure all verbal orders for modification to the plan of care are immediately documented in writing and signed or authenticated and dated by an agency individual authorized within their scope of practice to receive the order and signed or authenticated by the authorizing practitioner and returned to the agency within sixty days of the date the verbal orders were received.

(5) Home health agencies providing only home health aide services to a patient:

(a) May develop a modified plan of care by providing only the following information on the plan of care:

(i) Types and frequency of services to be provided;

(ii) Home medical equipment and supplies used by the patient;

(iii) Special nutritional needs and food allergies;

(iv) The patient's physical, cognitive and functional limitations; and

(v) The level of medication assistance to be provided.

(b) Do not require an authorizing practitioner signature on the plan of care.

(6) Home health agencies providing a one-time visit for a patient may provide the following written documentation in lieu of the home health plan of care and patient record requirements in WAC 246-335-550(3):

(a) Patient name, age, current address, and phone number;

(b) Confirmation that the patient was provided a written bill of rights under WAC 246-335-535;

(c) Patient consent for services to be provided;

(d) Authorizing practitioner orders; and

(e) Documentation of services provided.

#### NEW SECTION

**WAC 246-335-545 Supervision of home health services.** (1) A licensee must employ a director of clinical services;

(2) The director of clinical services must designate in writing a similarly qualified alternate to act in the director's absence;

(3) The licensee shall ensure the director of clinical services and the designated alternate completes a minimum of ten hours of training annually. Written documentation of trainings must be available upon request by the department. Training may include a combination of topics related to clinical supervision duties and the delivery of home health services. Examples of appropriate training include, but are not limited to:

- (a) Agency sponsored in-services;
- (b) Community venues;
- (c) Community classes;
- (d) Conferences;
- (e) Seminars;
- (f) Continuing education related to the director's health care professional credential, if applicable; and
- (g) Supervisory responsibilities in the event of a natural disaster, man-made incident, or public health emergency.

(4) The director of clinical services or designee must be available during all hours patient care is being provided;

(5) The director of clinical services or designee must ensure:

(a) Coordination, development, and revision of written patient care policies and procedures related to each service provided;

(b) Supervision of all patient care provided by personnel and volunteers. The director of clinical services may delegate staff supervision responsibilities to a registered nurse or other appropriately credentialed professional;

(c) Evaluation of services provided by contractors;

(d) Coordination of services when one or more licensed agencies are providing care to the patient;

(e) Compliance with the plan of care;

(f) All direct care personnel, contractors, and volunteers observe and recognize changes in the patient's condition and needs, and report any changes to the director of clinical services or designee; and

(g) All direct care personnel, contractors, and volunteers initiate emergency procedures according to agency policy.

(6) The licensee must document supervision including, but not limited to:

(a) RN supervision when using the services of an RN or LPN, in accordance with chapter 18.79 RCW;

(b) For patients receiving acute care services, supervision of the home health aide services during an on-site visit with or without the home health aide present must occur once a month to evaluate compliance with the plan of care and patient satisfaction with care. The supervisory visit must be conducted by a licensed nurse or therapist in accordance with the appropriate practice acts;

(c) For patients receiving maintenance care or home health aide only services, supervision of the home health aide services during an on-site visit with or without the home health aide present must occur every six months to evaluate compliance with the plan of care and patient satisfaction with care. The supervisory visit must be conducted by a licensed nurse or licensed therapist in accordance with the appropriate practice acts; and

(d) Supervision by a licensed therapist when using the services of a therapy assistant in accordance with the appropriate practice acts.

(7) The licensee using home health aides must ensure:

(a) Each home health aide reviews the plan of care and any additional written instructions for the care of each patient prior to providing home health aide services and whenever there is a change in the plan of care; and

(b) Each home health aide assists with medications according to agency policy and this chapter.

#### NEW SECTION

**WAC 246-335-550 Patient records.** The licensee must:

(1) Maintain a current record for each patient consistent with chapter 70.02 RCW;

(2) Ensure that patient records are:

(a) Accessible in the licensee's office location for review by appropriate direct care personnel, volunteers, contractors, and the department;

(b) Written legibly in permanent ink or retrievable by electronic means;

(c) On the licensee's standardized forms or electronic templates;

(d) In a legally acceptable manner;

(e) Kept confidential;

(f) Chronological in its entirety or by the service provided;

(g) Fastened together to avoid loss of record contents (paper documents); and

(h) Kept current with all documents filed according to agency time frames per agency policies and procedures.

(3) Except as provided in subsection (4) of this section, include documentation of the following in each record:

(a) Patient's name, age, current address and phone number;

(b) Patient's consent for services, care, and treatments;

(c) Payment source and patient responsibility for payment;

(d) Initial assessment when providing home health services, except when providing home health aide only services under WAC 246-335-540(5);

(e) Plan of care according to WAC 246-335-540, depending upon the services provided;

(f) Signed or electronically authenticated and dated notes documenting and describing services provided during each patient contact;

(g) Observations and changes in the patient's condition or needs;

(h) For patients receiving home health, with the exception of home health aide only services per WAC 246-335-540 (5), authorized practitioner orders and documentation of response to medications and treatments ordered;

(i) Supervision of home health aide services according to WAC 246-335-545(7); and

(j) Other documentation as required by this chapter.

(4) For patients receiving a one-time visit, provide the documentation required in WAC 246-335-540(6) in lieu of the requirements in subsection (3) of this section;

(5) Consider the records as property of the licensee and allow the patient access to his or her own record; and

(6) Upon request and according to agency policy and procedure, provide patient information or a summary of care when the patient is transferred or discharged to another agency or facility.

(7) The licensee must keep patient records for:

(a) Adults - Three years following the date of termination of services;

(b) Minors - Three years after attaining age eighteen, or five years following discharge, whichever is longer; and

(c) Patient death - Three years following the last date of termination of services if patient was on services when death occurred.

(8) The licensee must:

(a) Store patient records in a safe and secure manner to prevent loss of information, to maintain the integrity of the record, and to protect against unauthorized use;

(b) Maintain or release records in accordance with chapter 70.02 RCW; and

(c) After ceasing operation, retain or dispose of patient records in a confidential manner according to the time frames in subsection (7) of this section.

#### NEW SECTION

##### **WAC 246-335-555 Quality improvement program.**

Every home health licensee must develop and operationalize a quality improvement program to ensure the quality of care and services provided throughout all approved service areas including, at a minimum:

(1) A complaint process that includes a procedure for the receipt, investigation, and disposition of complaints regarding services provided;

(2) A method to identify, monitor, evaluate, and correct problems identified by patients, families, personnel, contractors, or volunteers; and

(3) A system to assess patient satisfaction with the overall services provided by the agency.

#### NEW SECTION

**WAC 246-335-560 Home medical supplies and equipment.** This section applies to home health agencies providing or contracting for medical supplies or equipment services.

(1) The applicant or licensee must develop and implement policies and procedures to:

(a) Maintain medical supplies and equipment;

(b) Clean, inspect, repair and calibrate equipment per the manufacturers' recommendations, and document the date and name of individual conducting the activity;

(c) Ensure safe handling and storage of medical supplies and equipment;

(d) Inform the patient, designated family member, or legal representative of the cost and method of payment for equipment, equipment repairs and equipment replacement;

(e) Document the patient, designated family member, or legal representative's approval;

(f) Instruct each patient, designated family member, or legal representative to use and maintain supplies and equip-

ment in a language or format the patient or family understands, using one or more of the following:

(i) Written instruction;

(ii) Verbal instruction; or

(iii) Demonstration.

(g) Document the patient, designated family member, or legal representative understanding of the instructions provided;

(h) Replace supplies and equipment essential for the health or safety of the patient; and

(i) Identify and replace equipment recalled by the manufacturer.

(2) If the applicant or licensee contracts for medical supplies or equipment services, develop and implement policies and procedures to ensure that contractors have policies and procedures consistent with subsection (1) of this section.

#### **Part 4 - Requirements Specific to Hospice Agency Services**

#### NEW SECTION

**WAC 246-335-605 Applicability.** The requirements in WAC 246-335-605 through 246-335-660 apply to all in-home services agencies licensed to provide hospice services.

#### NEW SECTION

**WAC 246-335-610 Definitions—Hospice.** The definitions in this section apply throughout WAC 246-335-605 through 246-335-660 unless the context clearly indicates otherwise:

(1) "Assessment" means an evaluation performed by an appropriate health care professional of a patient's physical, psychosocial, emotional and spiritual status related to their terminal illness and other health conditions. This includes evaluating the caregiver's and family's willingness and capability to care for the patient.

(2) "Authorizing practitioner" means the individual practitioners licensed in Washington state or another state according to the exemption criteria established in chapters 18.57 and 18.71 RCW, and authorized to approve a hospice plan of care:

(a) A physician licensed under chapter 18.57 or 18.71 RCW; or

(b) An advanced registered nurse practitioner as authorized under chapter 18.79 RCW.

(3) "Bereavement services" means emotional, psychosocial, and spiritual support and services provided before and after the death of the patient to assist with issues related to grief, loss, and adjustment.

(4) "Dietician" means a person certified under chapter 18.138 RCW or registered by the academy of nutrition and dietetics.

(5) "Director of clinical services" means an individual responsible for nursing, therapy, nutritional, social, or related services that support the plan of care provided by in-home health and hospice agencies.

(6) "Home health aide" means an individual who is a nursing assistant certified under chapter 18.88A RCW.

(7) "Hospice agency" means a person administering or providing hospice services directly or through a contract arrangement to individuals in places of permanent or temporary residence under the direction of an interdisciplinary team composed of at least a nurse, social worker, physician, spiritual counselor, and a volunteer.

(8) "Hospice services" means symptom and pain management to a terminally ill individual, and emotional, spiritual and bereavement services for the individual and their family in a place of temporary or permanent residence, and may include the provision of home health and home care services for the terminally ill individual.

(9) "Interdisciplinary team" means the group of individuals involved in patient care providing hospice services including, at a minimum, a physician, registered nurse, social worker, spiritual counselor and volunteer.

(10) "Licensed practical nurse" or "LPN" means an individual licensed under chapter 18.79 RCW.

(11) "Medication administration" means assistance in the application, instillation or insertion of medications according to a plan of care, for patients of an in-home services agency licensed to provide hospice or hospice care center services and are under the direction of appropriate agency health care personnel. The assistance is provided in accordance with the Nurse Practice Act as defined in chapters 18.79 RCW, 246-840 WAC, and the nursing assistant scope of practice as defined in chapters 18.88A RCW and 246-841 WAC.

(12) "Medical director" means a physician licensed under chapter 18.57 or 18.71 RCW responsible for the medical component of patient care provided in an in-home services agency licensed to provide hospice services according to WAC 246-335-615 (4)(a).

(13) "Patient" means an individual receiving hospice services.

(14) "Palliative care" means patient and family-centered care that optimizes quality of life and comfort by anticipating, preventing, and treating suffering. Palliative care throughout the continuum of illness involves addressing physical, intellectual, emotional, social, and spiritual needs and to facilitate patient autonomy, access to information, and choice.

(15) "Registered nurse" or "RN" means an individual licensed under chapter 18.79 RCW.

(16) "Restraint" means:

(a) Any manual method, physical or mechanical device, material, or equipment that immobilizes or reduces the ability of a patient to move their arms, legs, body, or head freely. Restraint does not include devices, such as orthopedically prescribed devices, surgical dressings or bandages, protective helmets, or other methods that involve the physical holding of a patient from falling out of bed, or to permit the patient to participate in activities without the risk of physical harm, or to physically guide a patient from one location to another; or

(b) A drug or medication when it is used as a restriction to manage the patient's behavior or restrict the patient's freedom of movement and is not a standard hospice or palliative care treatment or dosage for the patient's condition.

(17) "Seclusion" means the involuntary confinement of a patient alone in a room or an area from which the patient is physically prevented from leaving.

(18) "Social worker" means a person with a degree from a social work educational program accredited and approved as provided in RCW 18.320.010 or who meets qualifications provided in 42 C.F.R. Sec. 418.114 as it existed on January 1, 2012.

(19) "Spiritual counseling" means services provided or coordinated by an individual with knowledge of theology, pastoral counseling or an allied field.

(20) "Telehealth" means a collection of means or methods for enhancing health care, public health, and health education delivery and support using telecommunications technology. Telehealth encompasses a broad variety of technologies and tactics to deliver virtual medical, health, and education services.

(21) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. Telemedicine does not include the use of audio-only telephone, facsimile, or electronic mail.

#### NEW SECTION

**WAC 246-335-615 Plan of operation.** The applicant or licensee must develop and implement a plan of operation which includes:

- (1) A description of the organizational structure;
- (2) Personnel job descriptions according to WAC 246-335-625(2);
- (3) Responsibilities of contractors and volunteers;
- (4) Services to be provided;
- (5) The days and hours of agency operation; and
- (6) Criteria for management and supervision of hospice services throughout all approved service areas, which include:

(a) How the initial assessment and development of the plan of care will be completed per WAC 246-335-640;

(b) How supervision of personnel and volunteers and monitoring of services provided by contractors will occur which meet the requirements of WAC 246-335-645;

(c) How performance evaluations for personnel and volunteers and evaluation of services provided by contractors will be conducted per WAC 246-335-625 (16) and (17); and

(d) How the quality improvement program required in WAC 246-335-655 will be applied throughout all approved service areas.

(7) A process to inform patients of alternative services prior to ceasing operation or when the licensee is unable to meet the patient's needs;

(8) A plan for preserving records, including the process to preserve or dispose of records prior to ceasing operation according to WAC 246-335-650 (7) and (8); and

(9) Time frames for filing documents in the patient records;

(10) Emergency preparedness that addresses service delivery when natural disasters, man-made incidents, or pub-

lic health emergencies occur that prevent normal agency operation. Include, at minimum: Risk assessment and emergency planning, communication plan, informing local officials of patients in need of evacuation, and staff training and drills to test emergency plan;

(11) Availability of a bereavement program for up to one year after a patient's death;

(12) Availability of social services, spiritual counseling, volunteer services, and respite care;

(13) Assuring direct care personnel, contractors and volunteers have training specific to the needs of the terminally ill patients and their families;

(14) The applicant or licensee must identify an administrator. The administrator is appointed by and reports to the agency owner or governing body, is a hospice employee, and possesses education and experience required by the agency's policies or the hospice's governing body. The administrator is responsible to:

(a) Oversee the day-to-day operation and fiscal affairs of the agency;

(b) Implement the provisions of this section;

(c) Designate in writing an alternate to act in the administrator's absence;

(d) Provide management and supervision of services throughout all approved service areas according to subsection (6) of this section;

(e) Arrange for necessary services;

(f) Keep contracts current and consistent with WAC 246-335-625(4);

(g) Serve as a liaison between the licensee, personnel, contractors and volunteers;

(h) Ensure personnel, contractors and volunteers are currently credentialed by the state of Washington, when appropriate, according to applicable practice acts and consistent with WAC 246-335-625(5);

(i) Ensure personnel, contractors and volunteers comply with the licensee's policies and procedures;

(j) Implement a quality improvement process consistent with WAC 246-335-655;

(k) Manage recordkeeping according to WAC 246-335-650;

(l) Ensure supplies and equipment necessary to patient care are available, maintained, and in working order;

(m) Ensure the accuracy of public information materials; and

(n) Ensure current written policies and procedures are accessible to personnel, contractors, and volunteers during hours of operation.

(15) The applicant or licensee must identify a medical director who is responsible to:

(a) Advise the licensee on policies and procedures;

(b) Serve as liaison with a patient's authorizing practitioner;

(c) Provide patient care and family support;

(d) Approve modifications in individual plans of care; and

(e) Participate in interdisciplinary team conferences as required by WAC 246-335-640, hospice plan of care.

(16) The licensee must continue to update its plan of operation to reflect current practice, services provided by the agency, and state and local laws.

#### NEW SECTION

**WAC 246-335-620 Delivery of services.** The applicant or licensee must develop and operationalize policies and procedures that describe:

(1) Admission, transfer, discharge, and referral processes:

(a) In order to minimize the possibility of patient abandonment, patients must be given at least a forty-eight hour written or verbal notice prior to discharge that will be documented in the patient record;

(b) Forty-eight hour notice is not required if hospice agency worker safety, significant patient noncompliance, or patient's failure to pay for services rendered are the reason(s) for the discharge;

(c) A Hospice agency discharging a patient that is concerned about their ongoing care and safety may submit a self-report to appropriate state agencies which identifies the reasons for discharge and the steps taken to mitigate safety concerns;

(2) Specific hospice services, including palliative care and any nonmedical services, available to meet patient, or family needs as identified in plans of care;

(3) Initial patient assessment completed by a registered nurse within seven calendar days of receiving and accepting a physician or practitioner referral for hospice services. Longer time frames are permitted when one or more of the following is documented:

(a) Longer time frame for completing the initial patient assessment is requested by physician or practitioner;

(b) Longer time frame for completing the initial patient assessment is requested by the patient, designated family member, or legal representative; or

(c) Initial patient assessment was delayed due to agency having challenges contacting the patient, designated family member, or legal representative.

(4) Agency personnel, contractor, and volunteer roles and responsibilities related to medication self-administration with assistance and medication administration;

(5) Coordination of care, including:

(a) Coordination among services being provided by a licensee having an additional home health or home care service category; and

(b) Coordination with other agencies when care being provided impacts patient health.

(6) Actions to address patient or family communication needs;

(7) Utilization of telehealth or telemedicine for patient consultation or to acquire patient vitals and other health data in accordance to state and federal laws;

(8) Management of patient medications and treatments in accordance with appropriate practice acts;

(9) Utilization of restraints and/or seclusion following an individualized patient assessment process;

(10) Emergency care of the patient;

(11) Actions to be taken upon death of a patient;



(12) Providing back-up care to the patient when services cannot be provided as scheduled. Back-up care which requires assistance with patient ADLs or patient health services must be provided by staff with minimum health care credentialing. Noncredentialed staff may provide back-up care only when assisting a patient with IADLs or in emergency situations;

(13) Actions to be taken when the patient has a signed advanced directive;

(14) Actions to be taken when the patient has a signed POLST form. Any section of the POLST form not completed implies full treatment for that section. Also include: In the event of a patient medical emergency and agency staff are present, provide emergency medical personnel with a patient's signed POLST form; and

(15) Nurse delegation according to the following:

(a) Delegation is only permitted for patients requiring specific nursing tasks that do not require clinical judgment.

(b) Hospice agencies coordinating patient care with a separate home care agency must ensure that a formal delegation contract has been established between the two agencies in order for the hospice nurse to delegate to the home care agency workers.

#### NEW SECTION

**WAC 246-335-625 Personnel, contractor, and volunteer policies.** The applicant or licensee must develop and operationalize personnel, contractor, and volunteer policies and procedures that describe:

(1) Employment criteria regarding discrimination consistent with chapter 49.60 RCW;

(2) Job descriptions that contain responsibilities and are consistent with health care professional credentialing and scope of practice as defined in relevant practice acts and rules;

(3) References for personnel, contractors and volunteers;

(4) Contracting process when using a contractor. The contract should include, at minimum, a description of the duties the contractor will perform, and a statement indicating that the contractor, not the employer, is responsible for withholding any necessary taxes. As with personnel and volunteers, contractors are subject to all applicable requirements in this chapter;

(5) Credentials of health care professionals that are current and in good standing;

(6) Criminal history background checks and disclosure statements for personnel, contractors, volunteers, students, and any other individual associated with the licensee having direct contact with children under sixteen years of age, people with developmental disabilities, or vulnerable persons according to RCW 43.43.830 through 43.43.842 and the following:

(a) Criminal history background checks must be processed through the Washington state patrol;

(b) Disclosure statements must be approved by the department; and

(c) All criminal history background checks and disclosure statements required under this chapter must be renewed within two years from the date of the previous check.

(7) Character, competence, and suitability determination conducted for personnel, contractors, volunteers, and students whose background check results reveal nondisqualifying convictions, pending charges, or negative actions. Factors to consider when making a determination include, but are not limited to:

(a) Whether there is a reasonable, good faith belief that they would be unable to meet the care needs of the patient;

(b) Level of vulnerability of the patient under their care;

(c) Behaviors since the convictions, charges, negative actions or other adverse behaviors;

(d) Pattern of offenses or other behaviors that may put the patient at risk;

(e) Number of years since the conviction, negative action, or other issue;

(f) Whether they self-disclosed the conviction(s), pending charge(s) and/or negative action(s);

(g) Other health and safety concerns; and

(h) Although a licensee may determine, based on their assessment process, that an employee is suitable to work with vulnerable patients, the department has the final authority to deny, revoke, modify, or suspend any professional credential it issues based on application and criminal background check information.

(8) Mandatory reporting:

(a) Mandatory reporters shall report failure to comply with the requirements of chapters 246-335 WAC and 70.127 RCW to the department. The report must be submitted on department forms. Reports must be submitted within fourteen calendar days after the reporting person has knowledge of noncompliance that must be reported;

(b) Mandatory reporters shall report suspected abandonment, abuse, financial exploitation, or neglect of a person in violation of RCW 74.34.020 or 26.44.030 to the department of social and health services and the proper law enforcement agency. Reports must be submitted immediately when the reporting person has reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred;

(9) In-person contact with personnel, contractors, and volunteers prior to providing patient services;

(10) In-person orientation to current agency policies and procedures and verification of skills or training prior to independently providing patient care. Examples of skills verification include written testing, skills observation, and evidence of previous training and experience such as the nursing assistant training detailed in WAC 246-841-400;

(11) Training on the use of telehealth or telemedicine for patient consultation and the transmission of health data, if applicable;

(12) Ongoing training pertinent to patient care needs;

(13) Safe food storage, preparation and handling practices consistent with the United States Food and Drug Administration's recommendations for "food safety at home" for personnel, contractors, and volunteers involved in food preparation services on behalf of patients. Personnel, contractors, and volunteers may not provide patients with homemade food items or baked goods that they themselves prepared;

(14) Current cardiopulmonary resuscitation (CPR) training consistent with agency policies and procedures for direct

care personnel and contractors. Internet-based classroom training is only permissible when the demonstration of skills is hands on and observed by a certified trainer;

(15) Infection control practices, communicable disease testing, and vaccinations. Policies and procedures must include, at minimum:

(a) Standard precautions such as hand hygiene, respiratory hygiene and cough etiquette, and personal protective equipment;

(b) Availability of personal protective equipment and other equipment necessary to implement client plans of care;

(c) Tuberculosis (TB) infection control program. Key elements include, but are not limited to:

(i) Conducting a TB risk assessment for all new employees upon hire. Agencies must use a tuberculosis risk assessment form provided by the department. Based on risk assessment results, determine the agency's responsibility to conduct TB testing of new employees. If TB testing is required, follow the department's tuberculosis risk assessment form testing recommendations;

(ii) Conducting an annual assessment of new TB risk factors for all employees. Agencies must use a tuberculosis risk assessment form provided by the department. Based on risk assessment results, determine agency's responsibility to conduct TB testing of employees. Retesting should only be done for persons who previously tested negative and have new risk factors since the last assessment; and

(iii) Ensuring workers receive TB related training and education at the time of hire or during new employee orientation. Training and education must be consistent with the department's Tuberculosis program's online posted educational materials.

(d) Actions to take when personnel, volunteers, contractors, or clients exhibit or report symptoms of a communicable disease in an infectious stage in accordance with chapters 246-100 and 246-101 WAC;

(e) Exposure to bloodborne pathogens such as Hepatitis B and HIV, and other potentially infectious materials in compliance with the department of labor and industries chapter 296-823 WAC. Key elements include, but are not limited to:

(i) Conducting an initial risk assessment of the environment in which personnel, volunteers, and contractors perform their assigned duties to determine occupational exposure. The results of the risk assessment will inform policy and procedure development and level of employee training and education. Annually, agencies must determine if significant changes have occurred that would require a new risk assessment to be performed;

(ii) If the risk assessment concludes that workers have a reasonably anticipated risk of occupational exposure to blood and other potentially infectious materials, agencies must offer workers the Hepatitis B vaccine series at the agency's expense. Workers have the right to decline the Hepatitis B vaccine series; and

(f) Agencies must document an annual review of applicable state and federal health authority recommendations related to infection control practices, communicable disease testing, and vaccinations and update trainings and policies and procedures as necessary.

(16) Annual performance evaluations of all personnel and volunteers providing direct patient care, including on-site observation of care and skills specific to the care needs of patients; and

(17) Annual evaluations of services provided by contractors providing direct patient care.

#### NEW SECTION

**WAC 246-335-630 Personnel, contractor, and volunteer records.** The licensee must maintain records on all personnel and volunteers and have access to records on all contractors to include:

(1) Current practice certification, credential or licensure, as applicable;

(2) Documentation of references;

(3) Evidence of orientation to current agency policies and procedures;

(4) Contracts when using contractors;

(5) Verification of personnel, contractor, and volunteer skills or training specific to meeting the care needs of patients;

(6) Evidence of initial and subsequent criminal history background checks and disclosure statements according to RCW 43.43.830 through 43.43.842 and this chapter;

(7) Training on current and revised agency policies and procedures, including patient care issues;

(8) Current CPR training for direct care personnel and contractors;

(9) Documentation for personnel, contractors, and volunteers who prepare food for the patient independent of the patient's assistance, including:

(a) A current food worker cards per chapter 246-215 WAC; or

(b) Training equivalent to United States Food and Drug Administration for personnel, contractors, and volunteers involved in food preparation services on behalf of patients;

(10) Communicable disease testing and vaccination according to current state and federal health authority recommendations; and

(11) Documentation of performance evaluations of personnel and volunteers providing direct patient care and evaluations of services provided by contractors providing direct patient care as required in WAC 246-335-625 (16) and (17).

#### NEW SECTION

**WAC 246-335-635 Bill of rights.** A hospice agency at the time of admission must provide each patient, designated family member, or legal representative with a written bill of rights affirming each patient's right to:

(1) Receive effective pain management and symptom control and quality services from the hospice agency for services identified in the plan of care;

(2) Be cared for by appropriately trained or credentialed personnel, contractors and volunteers with coordination of services;

(3) A statement advising of the right to ongoing participation in the development of the plan of care;

(4) Choose his or her attending physician;

(5) A statement advising of the right to have access to the department's listing of licensed hospice agencies and to select any licensee to provide care, subject to the individual's reimbursement mechanism or other relevant contractual obligations;

(6) A listing of the total services offered by the hospice agency and those being provided to the patient;

(7) Refuse specific services;

(8) The name of the individual within the hospice agency responsible for supervising the patient's care and the manner in which that individual may be contacted;

(9) Be treated with courtesy, respect, and privacy;

(10) Be free from verbal, mental, sexual, and physical abuse, neglect, exploitation, discrimination, and the unlawful use of restraint or seclusion;

(11) Have property treated with respect;

(12) Privacy and confidentiality of personal information and health care related records;

(13) Be informed of what the hospice agency charges for services, to what extent payment may be expected from health insurance, public programs, or other sources, and what charges the patient may be responsible for paying;

(14) A fully itemized billing statement upon request, including the date of each service and the charge. Agencies providing services through a managed care plan are not required to provide itemized billing statements;

(15) Be informed about advanced directives and POLST and the agency's scope of responsibility;

(16) Be informed of the agency's policies and procedures regarding the circumstances that may cause the agency to discharge a patient;

(17) Be informed of the agency's policies and procedures for providing back-up care when services cannot be provided as scheduled;

(18) A description of the agency's process for patients and family to submit complaints to the hospice agency about the services and care they are receiving and to have those complaints addressed without retaliation;

(19) Be informed of the department's complaint hotline number to report complaints about the licensed agency or credentialed health care professionals; and

(20) Be informed of the DSHS end harm hotline number to report suspected abuse of children or vulnerable adults.

(21) The hospice agency must ensure that the patient rights under this section are implemented and updated as appropriate.

#### NEW SECTION

**WAC 246-335-640 Hospice plan of care.** Except as provided in subsection (5) of this section, the licensee must:

(1) Develop and implement a written hospice plan of care for each patient with input from the authorizing practitioner, appropriate interdisciplinary team members, and the patient, designated family member, or legal representative;

(2) Ensure each plan of care is developed by appropriately trained or credentialed agency personnel and is based on a patient and family assessment;

(3) Ensure the hospice plan of care includes:

(a) Current diagnoses and information on health status;

(b) Goals and outcome measures which are individualized for the patient;

(c) Symptom and pain management;

(d) Types and frequency of services to be provided;

(e) Palliative care, if applicable;

(f) Use of telehealth or telemedicine, if applicable;

(g) Home medical equipment and supplies used by the patient;

(h) Orders for treatments and their frequency to be provided and monitored by the licensee;

(i) Special nutritional needs and food allergies;

(j) Orders for medications to be administered and monitored by the licensee including name, dose, route, and frequency;

(k) Medication allergies;

(l) The patient's physical, cognitive and functional limitations;

(m) Patient and family education needs pertinent to the care being provided by the licensee;

(n) Indication that the patient has a signed advanced directive or POLST, if applicable. Include resuscitation status according to advance directives or POLST, if applicable; and

(o) The level of medication assistance to be provided.

(4) Develop and implement a system to:

(a) Ensure and document that the plan of care is reviewed by the appropriate interdisciplinary team members within the first week of admission and every two weeks thereafter;

(b) Ensure the plan of care is signed or authenticated and dated by appropriate agency personnel and the authorizing practitioner;

(c) Ensure the signed or authenticated plan of care is returned to the agency within sixty days from the initial date of service;

(d) Inform the authorizing practitioner regarding changes in the patient's condition that indicates a need to update the plan of care;

(e) Obtain approval from the authorizing practitioner for additions and modifications; and

(f) Ensure all verbal orders for modification to the plan of care are immediately documented in writing and signed or authenticated and dated by an agency individual authorized within the scope of practice to receive the order and signed or authenticated by the authorizing practitioner and returned to the agency within sixty days from the date the verbal orders were received.

(5) Hospice agencies providing a one-time visit for a patient may provide the following written documentation in lieu of the hospice plan of care and patient record requirements in WAC 246-335-650(3):

(a) Patient's name, age, current address, and phone number;

(b) Confirmation that the patient was provided a written bill of rights under WAC 246-335-635;

(c) Patient consent for services to be provided;

(d) Authorizing practitioner orders; and

(e) Documentation of services provided.

NEW SECTION**WAC 246-335-645 Supervision of hospice services.**

(1) A licensee must employ a director of clinical services.

(2) The director of clinical services must designate in writing a similarly qualified alternate to act in the director's absence.

(3) The licensee shall ensure the director of clinical services and the designated alternate completes a minimum of ten hours of training annually. Written documentation of trainings must be available upon request by the department. Training may include a combination of topics related to clinical supervision duties and the delivery of hospice services. Examples of appropriate training include, but are not limited to:

- (a) Agency sponsored in-services;
- (b) Community venues;
- (c) Community classes;
- (d) Conferences;
- (e) Seminars;
- (f) Continuing education related to the director's health care professional credential, if applicable; and
- (g) Supervisory responsibilities in the event of a natural disaster, man-made incident, or public health emergency.

(4) The director of clinical services or designee must be available twenty-four hours per day, seven days per week.

(5) The director of clinical services or designee must ensure:

- (a) Coordination, development, and revision of written patient and family care policies and procedures related to each service provided;
- (b) Supervision of all patient and family care provided by personnel and volunteers. The director of clinical services may assign staff supervision responsibilities to a registered nurse or other appropriately credentialed professional;
- (c) Evaluation of services provided by contractors;
- (d) Coordination of services when one or more licensed agency is providing care to the patient and family;
- (e) Compliance with the plan of care;
- (f) All direct care personnel, contractors, and volunteers observe and recognize changes in the patient's condition and needs, and report any changes to the director of clinical services or designee; and
- (g) All direct care personnel, contractors, and volunteers initiate emergency procedures according to agency policy.

(6) The licensee must document supervision including, but not limited to:

- (a) RN supervision when using the services of an RN or LPN, in accordance with chapter 18.79 RCW;
- (b) Licensed nurse supervision of home health aide services during an on-site visit with or without the home health aide present once a month to evaluate compliance with the plan of care and patient and family satisfaction with care; and
- (c) Supervision by a licensed therapist when using the services of a therapy assistant in accordance with the appropriate practice acts.

(7) The licensee using home health aides must ensure:

- (a) Each home health aide reviews the plan of care and any additional written instructions for the care of each patient prior to providing home health aide services and whenever there is a change in the plan of care; and

(b) Each home health aide assists with medications according to agency policy and this chapter.

NEW SECTION**WAC 246-335-650 Patient records.** The licensee must:

- (1) Maintain a current record for each patient consistent with chapter 70.02 RCW;
- (2) Ensure that patient records are:
  - (a) Accessible in the licensee's office location for review by appropriate direct care personnel, volunteers, contractors, and the department;
  - (b) Written legibly in permanent ink or retrievable by electronic means;
  - (c) On the licensee's standardized forms or electronic templates;
  - (d) In a legally acceptable manner;
  - (e) Kept confidential;
  - (f) Chronological in its entirety or by the service provided;
  - (g) Fastened together to avoid loss of record contents (paper documents); and
  - (h) Kept current with all documents filed according to agency time frames per agency policies and procedures.
- (3) Except as provided in subsection (4) of this section, include documentation of the following in each record:
  - (a) Patient's name, age, current address and phone number;
  - (b) Patient's consent for services and care;
  - (c) Payment source and patient responsibility for payment;
  - (d) Initial assessment when providing hospice and hospice care center services;
  - (e) Plan of care according to WAC 246-335-640, depending on the services provided;
  - (f) Signed or electronically authenticated and dated notes documenting and describing services provided during each patient contact;
  - (g) Observations and changes in the patient's condition or needs;
  - (h) For patients receiving hospice and hospice care center services, authorized practitioner orders and documentation of response to medications and treatments ordered; and
  - (i) Other documentation as required by this chapter.
- (4) For patients receiving a one-time visit, provide the documentation required in WAC 246-335-640(5) in lieu of the requirements in subsection (3) of this section.
- (5) Consider the records as property of the licensee and allow the patient access to his or her own record.
- (6) Upon request and according to agency policy and procedure, provide patient information or a summary of care when the patient is transferred or discharged to another agency or facility.
  - (7) The licensee must keep patient records for:
    - (a) Adults - Three years following the date of termination of services;
    - (b) Minors - Three years after attaining age eighteen, or five years following discharge, whichever is longer; and

(c) Patient death - Three years following the last date or termination of services if patient was on services when death occurred.

(8) The licensee must:

(a) Store patient records in a safe and secure manner to prevent loss of information, to maintain the integrity of the record, and to protect against unauthorized use;

(b) Maintain or release records in accordance to chapter 70.02 RCW; and

(c) After ceasing operation, retain or dispose of patient records in a confidential manner according to the time frames in subsection (7) of this section.

#### NEW SECTION

##### **WAC 246-335-655 Quality improvement program.**

Every hospice licensee must establish and implement a quality improvement program to ensure the quality of care and services provided throughout all approved service areas or within a hospice care center that includes, at a minimum:

(1) A complaint process that includes a procedure for the receipt, investigation, and disposition of complaints regarding services provided;

(2) A method to identify, monitor, evaluate, and correct problems identified by patients, families, personnel, contractors, or volunteers; and

(3) A system to assess patient satisfaction with the overall services provided by the agency.

#### NEW SECTION

**WAC 246-335-660 Home medical supplies and equipment.** This section applies only to hospice agencies and hospice care centers providing or contracting for medical supplies or equipment services.

(1) The applicant or licensee must develop and implement policies and procedures to:

(a) Maintain medical supplies and equipment;

(b) Clean, inspect, repair and calibrate equipment per the manufacturers' recommendations, and document the date and name of individual conducting the activity;

(c) Ensure safe handling and storage of medical supplies and equipment;

(d) Inform the patient, designated family member, or legal representative of the cost and method of payment for equipment, equipment repairs and equipment replacement;

(e) Document the patient, designated family member, or legal representative's approval;

(f) Instruct each patient or family to use and maintain supplies and equipment in a language or format the patient or family understands, using one or more of the following:

(i) Written instruction;

(ii) Verbal instruction; or

(iii) Demonstration.

(g) Document the patient, designated family member, or legal representative understanding of the instructions provided;

(h) Replace supplies and equipment essential for the health or safety of the patient; and

(i) Identify and replace equipment recalled by the manufacturer.

(2) If the applicant or licensee contracts for medical supplies or equipment services, develop and implement policies and procedures to ensure that contractors have policies and procedures consistent with subsection (1) of this section.

## **PARTS 2 THROUGH 12**

### **REQUIREMENTS FOR THE LICENSING, OPERATION, AND CONSTRUCTION OF HOSPICE CARE CENTERS**

#### **Part 5 - Requirements Specific to Licensing and Operation of Hospice Care Centers**

#### NEW SECTION

**WAC 246-335-705 Applicability.** The requirements in WAC 246-335-705 through 246-335-768 apply to hospice care center services.

#### NEW SECTION

**WAC 246-335-710 Definitions.** The definitions in this section apply throughout WAC 246-335-705 through 246-335-768 unless the context clearly indicates otherwise:

(1) "Construction" means:

(a) New building(s) to be used as a hospice care center;

(b) Addition(s) to or conversion(s), either in whole or in part, of an existing building or buildings to be used as a hospice care center or a portion thereof; or

(c) Alteration or modification to a hospice care center.

(2) "Homelike" means an environment having the qualities of a home, including privacy, comfortable surroundings, opportunities for patient self-expression, and supporting interaction with the family, friends, and community.

(3) "Hospice care center" or "in-home services agency licensed to provide hospice care center services" means a homelike, noninstitutional facility where hospice services are provided, and that meet the requirements for operation under RCW 70.127.280 and applicable rules.

(4) "Hospice care center service category" means the following different levels of care provided in a hospice care center:

(a) "Continuous care" means care for patients requiring a minimum of eight hours of one-to-one services in a calendar day, with assessment and supervision by an RN. An RN, LPN or home health aide may provide the care or treatment, according to practice acts and applicable rules, of acute or chronic symptoms, including a crisis in their caregiving;

(b) "General inpatient care" means care for patients requiring an RN on-site twenty-four hours a day, for assessment and supervision. An RN, LPN or home health aide may provide the care or treatment, according to practice acts and applicable rules, of acute or chronic symptoms, including a crisis in their caregiving;

(c) "Inpatient respite care" means care for patients whose caregivers require short-term relief of their caregiving duties;

(d) "Routine home care" means the core level of service for patients not receiving continuous care, general inpatient care, or inpatient respite care.

(5) "Hospice care center services" means hospice services provided in a hospice care center and may include any of the levels of care defined as hospice care center service categories.

(6) "Pressure relationships" of air to adjacent areas means:

(a) Positive (P) pressure is present in a room when the:

(i) Room sustains a minimum of 0.001 inches of H<sub>2</sub>O pressure differential with the adjacent area, the room doors are closed, and air is flowing out of the room; or

(ii) Sum of the air flow at the supply air outlets (in CFM) exceeds the sum of the air flow at the exhaust/return air outlets by at least 70 CFM with the room doors and windows closed.

(b) Negative (N) pressure is present in a room when the:

(i) Room sustains a minimum of 0.001 inches of H<sub>2</sub>O pressure differential with the adjacent area, the room doors are closed, and air is flowing into the room; or

(ii) Sum of the air flow at the exhaust/return air outlets (in CFM) exceeds the sum of the air flow at the supply air outlets by at least 70 CFM with the room doors and windows closed.

(c) Equal (E) pressure is present in a room when the:

(i) Room sustains a pressure differential range of plus or minus 0.0002 inches of H<sub>2</sub>O with the adjacent area, and the room doors are closed; or

(ii) Sum of the air flow at the supply air outlets (in CFM) is within ten percent of the sum of the air flow at the exhaust/return air outlets with the room doors and windows closed.

(7) "Sink" means one of the following:

(a) "Clinic service sink (siphon jet)" means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inch diameter;

(b) "Service sink" means a plumbing fixture of adequate size and proper design for filling and emptying mop buckets;

(c) "Handwash sink" means a plumbing fixture of adequate size and proper design to minimize splash and splatter and permit handwashing without touching fixtures with hands, with adjacent soap dispenser with foot control or equivalent and single service hand drying device.

(8) "WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW.

#### NEW SECTION

**WAC 246-335-712 License required.** (1) A person must possess a current license issued by the department before advertising, operating, managing, conducting, opening or maintaining a hospice care center.

(2) Prior to being approved to provide hospice care center services, an applicant must:

(a) Be licensed under chapter 70.127 RCW as an in-home services agency licensed to provide hospice services;

(b) Submit to the department an application to add hospice care center services to their existing in-home services license;

(c) Submit to the department fees specified in WAC 246-335-990;

(d) Obtain a certificate of need under chapter 70.38 RCW. A separate application and fee is required to go through the certificate of need process;

(e) Complete the department's construction review services process. A separate application and fee is required to go through the construction review services process;

(f) Receive a certificate of occupancy by local building officials;

(g) Develop and operationalize policies and procedures addressing the content of this chapter for the service category(ies) to be provided and consistent with WAC 246-335-320 (2)(g);

(h) Provide other information as required by the department; and

(i) Meet the requirements of this chapter as determined by an initial survey completed by the department.

#### NEW SECTION

##### **WAC 246-335-714 General licensing requirements.**

(1) Initial application. To apply for a hospice care center license, an applicant must meet the initial application requirements in WAC 246-335-320 (2)(a) through (g), (i), and (j), WAC 246-335-712(2), and submit documentation that no more than forty-nine percent of patient care days, in the aggregate on a biennial basis, will be provided in a hospice care center, as required under RCW 70.127.280 (1)(d).

(2) A hospice care center licensee must meet the renewal requirements in WAC 246-335-325.

(3) Change of ownership. A hospice care center licensee must meet the change of ownership requirements in WAC 246-335-330.

(4) Applicant or licensee responsibilities. A hospice care center applicant or licensee must meet the applicant or licensee responsibilities requirements in WAC 246-335-335.

(5) Survey and investigation. The department's survey and investigation responsibilities in WAC 246-335-340 apply to hospice care center applicants and licensees.

(6) Plan of operation. A hospice care center applicant or licensee must meet the plan of operation requirements in WAC 246-335-615, and ensure pets or animals living on the premises:

(a) Have regular examinations and immunizations, appropriate for the species, by a veterinarian licensed in Washington state;

(b) Be veterinarian certified as free of diseases transmittable to humans;

(c) Are restricted from food preparation areas; and

(d) Include only those customarily considered domestic pets.

(7) Delivery of services. A hospice care center applicant or licensee must:

(a) Meet the delivery of services requirements in WAC 246-335-620; and

(b) Establish and implement policies and procedures that ensure:

(i) Auditory and physical privacy for the patient and family during the admitting process;

(ii) Patient rooms are private, unless the patient requests a roommate. Only two patients may share a room;

(iii) Each patient is provided a bed with a mattress appropriate to the special needs and size of the patient; and

(iv) Availability of clean bed and bath linens that are in good condition and free of holes and stains.

(8) Personnel, contractor, and volunteer policies. A hospice care center applicant or licensee must:

(a) Meet the personnel, contractor and volunteer policy requirements in WAC 246-335-625; and

(b) Ensure training in the safe storage and handling of oxygen containers and other equipment as necessary.

(9) Personnel, contractor, and volunteer records. A hospice care center applicant or licensee must meet the personnel, contractor, and volunteer records requirements in WAC 246-335-630.

(10) Bill of rights. A hospice care center applicant or licensee must:

(a) Meet the bill of rights requirements in WAC 246-335-635; or

(b) For patients already being served by the hospice agency operating the hospice care center, ensure:

(i) The bill of rights requirements have been provided to the patient, designated family member, or legal representative; and

(ii) Provide any additional information needed specific to the hospice care center.

(11) Plan of care. A hospice care center applicant or licensee must:

(a) Meet the plan of care requirements in WAC 246-335-640; or

(b) For patients already being served by the hospice agency operating the hospice care center, review the plan of care for any necessary revisions, and maintain the plan of care with any revisions in the hospice care center.

(12) Supervision. A hospice care center applicant or licensee must:

(a) Meet the supervision requirements in WAC 246-335-645; and

(b) Develop any necessary supervision requirements specific to:

(i) The hospice care center service category staffing requirements; and

(ii) Supervising personnel, volunteers and contractors who are employed by a separately licensed hospice agency.

(13) Patient records. A hospice care center applicant or licensee must meet the requirements in WAC 246-335-650.

(14) Quality improvement. A hospice care center applicant or licensee must:

(a) Meet the quality improvement requirements in WAC 246-335-655; or

(b) Ensure the hospice agency operating the hospice care center has a quality improvement program that applies to the hospice care center; or

(c) Implement any needed changes or additions to the current hospice agency quality improvement program.

(15) Home medical supplies and equipment. A hospice care center applicant or licensee must meet the home medical supplies and equipment requirements in WAC 246-335-660.

(16) Staffing requirements. A hospice care center applicant or licensee must implement the following staffing requirements:

(a) There must be adequate staffing on duty at all times. Considerations for determining adequate staffing include, but are not limited to:

(i) Number of patients currently admitted and residing in the center;

(ii) Specific patient care requirements;

(iii) Family care needs; and

(iv) Availability of support from other interdisciplinary team members.

(b) Two people, who may either be personnel, contractors or volunteers, must be on duty twenty-four hours per day, seven days per week;

(c) A registered nurse must be available twenty-four hours per day for consultation and direct participation in nursing care;

(d) A registered nurse must be on-site when required to perform duties specified in chapter 18.79 RCW;

(e) When providing general inpatient services, a hospice care center must comply with the staffing requirements in (a) through (d) of this subsection, and ensure:

(i) A registered nurse is present twenty-four hours per day, seven days per week, to direct nursing services; and

(ii) Care is provided by either an RN, LPN or home health aide to meet the needs of each patient in accordance with the plan of care; and

(f) When providing continuous care services, a hospice care center must, in addition to the staffing requirements in (a) through (d) of this subsection, ensure:

(i) One-on-one staffing, directed by an RN, for a minimum of eight hours to a maximum of twenty-four hours per calendar day; and

(ii) Care is provided by either an RN, LPN or home health aide to meet the needs of each patient in accordance with the plan of care.

(17) A hospice care center may either be owned or leased. If the hospice agency leases space, all delivery of interdisciplinary services, including staffing and management, must be done by the hospice agency per RCW 70.127.280 (1)(g).

#### NEW SECTION

**WAC 246-335-716 Nutritional services.** (1) Nutritional services must be supervised by an RN or certified dietitian.

(2) Appropriate nutritional consultation must be provided to the patient and family regarding the patient's dietary needs.

(3) Food must be prepared and served at intervals appropriate to the needs of patients, recognizing the unique dietary needs and changes of the terminally ill.

(4) Nutritional services must either be provided directly or through written agreement with a food service company.

(5) Food service sanitation must meet the requirements of chapter 246-215 WAC.

(6) Policies and procedures on nutritional services must include:

(a) Food storage;

(b) Food preparation;

(c) Food service; and

(d) Scheduled cleaning of all food service equipment and work areas.

(7) A copy of the procedures must be kept within or adjacent to the food service area and must be available for reference by nutritional service personnel and other personnel at all times.

#### NEW SECTION

**WAC 246-335-718 Infection control.** A hospice care center applicant or licensee must develop and implement written policies and procedures addressing infection control pertinent to the hospice care center and consistent with WAC 246-335-625(15).

#### NEW SECTION

**WAC 246-335-720 Emergency preparedness.** A hospice care center applicant or licensee must:

(1) Develop and operationalize written policies and procedures governing emergency preparedness and fire protection;

(2) Develop a written emergency preparedness plan, rehearsed at least annually with personnel, contractors, and volunteers that addresses service delivery when natural disasters, man-made incidents, or public health emergencies occur that prevent normal facility operation. Include, at minimum: Risk assessment and emergency planning, communication plan, subsistence needs, evacuation plans, sheltering in place, care of casualties, tracking patients and staff during an emergency, and staff training and drills to test emergency plan; and

(3) Develop a fire protection plan to include:

(a) Instruction for all personnel, contractors or volunteers in use of alarms, firefighting equipment, methods of fire containment, evacuation routes and procedures for calling the fire department and the assignment of specific tasks to all personnel, contractors and volunteers in response to an alarm; and

(b) Fire drills for each shift of personnel.

#### NEW SECTION

**WAC 246-335-722 Pharmaceutical services.** The licensee must ensure that all pharmaceutical services are provided consistent with chapter 246-865 WAC and the following requirements:

(1) Pharmaceutical services must be available twenty-four hours per day to provide medications and supplies through a licensed pharmacy;

(2) A licensed pharmacist must provide sufficient on-site consultation to ensure that medications are ordered, prepared, disposed, secured, stored, accounted for and administered in accordance with the policies of the center and chapter 246-865 WAC;

(3) Medications must be administered only by individuals authorized to administer medications;

(4) Medications may be self-administered in accordance with WAC 246-865-060 (7)(f);

(5) Drugs for external use must be stored apart from drugs for internal use;

(6) Poisonous or caustic medications and materials including housekeeping and personal grooming supplies must show proper warning or poison labels and must be stored safely and separately from other medications and food supplies;

(7) The hospice care center must maintain an emergency medication kit appropriate to the needs of the center;

(8) Medications brought into the hospice care center by patients to be administered by an appropriate health care professional while in the center must be specifically ordered by an authorizing practitioner and must be identified by a pharmacist or licensed nurse with pharmacist consultation prior to administration;

(9) Drugs requiring refrigeration must be kept in a separate refrigeration unit;

(10) Schedule II-IV controlled substances must be:

(a) Kept in a separate keyed storage unit;

(b) When heat sensitive, be kept in a locked refrigeration unit; and

(c) When no longer needed by the patient, disposed of in compliance with chapter 246-865 WAC;

(11) In addition to the requirements in subsection (10) of this section, schedule III and IV controlled substances must be:

(a) Stored apart from other drugs; or

(b) Stored on a separate shelf, drawer, or compartment with schedule II controlled substances;

(12) The hospice care center must provide for continuation of drug therapy for patients when temporarily leaving the center in accordance with WAC 246-865-070;

(13) If planning to use an automated drug distribution device, the hospice care center must first receive pharmacy quality assurance commission approval; and

(14) If planning to provide pharmacy services beyond the scope of services defined in this section, the hospice care center must comply with the requirements for a licensed pharmacy in chapter 246-869 WAC.

#### NEW SECTION

**WAC 246-335-724 Exemptions and alternative methods.** Hospice care centers applying for an exemption to any of the requirements in WAC 246-335-705 through 246-335-724 must comply with the requirements in WAC 246-335-355.

### **Part 6 - Physical Environment Requirements**

#### NEW SECTION

**WAC 246-335-726 Applicability.** The purpose of the following construction regulations in WAC 246-335-726 through 246-335-768 is to provide minimum standards for a safe, homelike, and effective patient care environment in hospice care centers consistent with other applicable rules without redundancy and contradictory requirements. Rules allow flexibility in achieving desired outcomes and enable hospice care centers to respond to changes in technologies and health care innovations. Compliance with these rules do not relieve the hospice of the need to comply with applicable state and local building and zoning codes. Where differences in inter-



pretations occur, the hospice will follow the most stringent requirement.

(1) These rules apply to all construction as defined in WAC 246-335-710.

(2) The requirements in WAC 246-335-726 through 246-335-768 in effect at the time the application, fee, and construction documents are submitted to the department for review will apply for the duration of the construction project.

#### NEW SECTION

**WAC 246-335-728 Construction and design codes.** A hospice care center applicant must, through its design, construction, and necessary permits demonstrate compliance with the following codes and local jurisdiction standards:

(1) The state building code as adopted by the state building code council under the authority of chapter 19.27 RCW;

(2) The National Fire Protection Association, Life Safety Code, NFPA 101, as adopted by the Centers for Medicare and Medicaid Services;

(3) The National Fire Protection Association, Health Care Facilities Code, NFPA 99, as adopted by the Centers for Medicare and Medicaid Services; and

(4) Ventilation of health care facilities, American National Standards Institute; American Society of Heating, Refrigerating and Air-conditioning Engineers; American Society for Healthcare Engineering Standard 170-2013.

#### NEW SECTION

**WAC 246-335-730 Design, construction review and approval of plans.** (1) Drawings and specifications for new construction, excluding minor alterations, must be prepared by or under the direction of, an architect registered under chapter 18.08 RCW. The services of a consulting engineer registered under chapter 18.43 RCW may be used for the various branches of work where appropriate. The services of a registered engineer may be used in lieu of the services of an architect if the scope of work is primarily engineering in nature.

(2) A hospice care center applicant or licensee will meet the following requirements:

(a) Preconstruction. Request and attend a presubmission conference with the department for projects with a construction value of two hundred fifty thousand dollars or more. The presubmission conference must be scheduled to occur for the review of construction documents that are no less than fifty percent complete;

(b) Construction document review. Submit construction documents for proposed new construction to the department for review within ten days of submission to the local authorities. Compliance with these standards and regulations does not relieve the hospice care center of the need to comply with applicable state and local building and zoning codes. The construction documents must include:

(i) A written program containing the following:

(A) Information concerning services to be provided and operational methods to be used;

(B) An interim life safety measures plan to ensure the health and safety of occupants during construction and installation of finishes; and

(C) An infection control risk assessment indicating appropriate infection control measures, keeping the surrounding area free of dust and fumes, and ensuring rooms or areas are well ventilated, unoccupied, and unavailable for use until free of volatile fumes and odors;

(ii) Drawings and specifications to include coordinated architectural, mechanical, and electrical work. Each room, area, and item of fixed equipment and major movable equipment must be identified on all drawings to demonstrate that the required facilities for each function are provided;

(iii) A floor plan of the existing building showing the alterations and additions, and indicating location of any service or support areas;

(iv) Required paths of exit serving the alterations or additions; and

(v) Verification that the capacities and loads of infrastructure systems will accommodate planned load.

(c) Resubmittals. The hospice will respond in writing when the department requests additional or corrected construction documents;

(d) Construction. Comply with the following requirements during the construction phase:

(i) The hospice care center applicant or licensee will not begin construction until all of the following items are complete:

(A) The department has approved the construction documents or granted authorization to begin construction;

(B) The local jurisdictions have issued a building permit; and

(C) The hospice care center applicant or licensee has notified the department in writing when construction will commence;

(ii) The department will issue an "authorization to begin construction" when the construction documents have been conditionally approved or when all of the following items have been reviewed and approved:

(A) A signed form acknowledging the risks if starting construction before the plan review has been completed. The acknowledgment of risks form shall be signed by the:

(I) Architect;

(II) Hospice chief executive officer, chief operations officer, or designee; and

(III) Hospice facilities director.

(B) The infection control risk assessment;

(C) The interim life safety plan; and

(D) A presubmission conference has occurred;

(iii) Submit to the department for review any addenda or modifications to the construction documents;

(iv) Ensure construction is completed in compliance with the final department approved documents;

(v) The hospice care center applicant or licensee will allow any necessary inspections for the verification of compliance with the construction documents, addenda, and modifications.

(e) Project closeout. The hospice will not use any new or remodeled areas until:

(i) The department has approved construction documents;

(ii) The local jurisdictions have completed all required inspections and approvals, when applicable or given approval to occupy; and

(iii) The facility notifies the department in writing when construction is completed and includes a copy of the local jurisdiction's approval for occupancy.

#### NEW SECTION

**WAC 246-335-732 Site and site development.** A hospice care center applicant or licensee must provide a site with utilities that meet state building code and local regulations including:

(1) Potable water supply meeting requirements in chapters 246-270, 246-290, and 246-291 WAC;

(2) Natural drainage or properly designed/engineered drainage system;

(3) An approved public sewer system or on-site sanitary sewage system meeting requirements in chapter 246-272A or 246-272B WAC;

(4) Physical access to community emergency services;

(5) Parking area, drives, and walkways:

(a) Convenient for patients, personnel, contractors, volunteers, and visitors, while avoiding interference with patient privacy and comfort;

(b) With surfaces useable in all weather and traffic conditions; and

(c) Illuminated at night.

### Part 7 - General Design Requirements

#### NEW SECTION

**WAC 246-335-734 General requirements.** A hospice care center applicant or licensee must meet the following general design elements for patient and family care and support areas as described in this chapter.

(1) Design of the hospice care center must take into account:

(a) The number of patient rooms planned which must not include more than twenty patient beds;

(b) The requirements for patient rooms as specified in WAC 246-335-756; and

(c) The family, personnel and public area requirements for space, which may include multiuse areas, as specified in WAC 246-335-760.

(2) A hospice care center may either be freestanding or a separate portion of another building.

(3) The hospice care center must have a separate external entrance, clearly identifiable to the public.

(4) If patient rooms are located above grade level, the hospice care center must have at least one elevator or lift designed for patient transport by gurney or equivalent.

(5) Doors must be designed with:

(a) Provisions for personnel, contractors, and volunteers to gain immediate emergency access to patient occupied rooms or areas;

(b) The ability to swing outward from patient toilet and bathing rooms or equipped with double acting or rescue door hardware; and

(c) Vision panels in all pairs of opposite swinging doors.

(6) Stairways must be designed with slip-resistant floor surfaces and ramps with slip-resistant or carpeted floor surfaces are required.

(7) Design and construction must address the prevention of entrance and infestation by pests.

(8) Interior finishes must be suitable to the function of an area including:

(a) Floors must be finished with:

(i) Easily cleanable or maintainable surfaces;

(ii) Slip-resistant surfaces at entrances and other areas;

(iii) Edges covered and top set base with toe at all wall junctures;

(b) Carpets are not permitted in toilets, bathrooms, kitchens, utility rooms, janitor closets, and other areas where flooding or infection control is an issue;

(c) Ceiling finishes must be easily cleanable or maintainable;

(d) Walls must be:

(i) Protected from impact in high traffic areas;

(ii) Finished with easily cleanable surfaces; and

(iii) Finished with water-resistant paint, glaze, or similar water-resistant finish extending above the splash line in all rooms or areas subject to splash or spray.

(9) The design must include space and adequate storage for facility drawings, records, and operation manuals.

#### NEW SECTION

**WAC 246-335-736 Furnishings.** Furnishings of the hospice care center must be homelike and include lounge furniture in addition to furnishings in patient rooms. Accessories such as wallpaper, bedspreads, carpets and lamps must be:

(1) Selected to create a homelike atmosphere; and

(2) Installed per manufacturer installation standards.

#### NEW SECTION

**WAC 246-335-738 Pharmaceutical services area.** (1) Pharmaceutical services area(s) must be accessible only to authorized personnel.

(2) A hospice care center must provide pharmacy services area(s) consistent with WAC 246-865-050 which include adequate space for:

(a) A work counter;

(b) A handwash sink;

(c) A soap and paper towel dispenser;

(d) Drug storage units constructed of metal, solid wood, or plywood which provide:

(i) Locked storage for all drugs;

(ii) Separate keyed storage for Schedule II-IV controlled substances;

(iii) Segregated storage for each patient's drugs;

(e) A lockable refrigerator for storage of heat sensitive drugs; and

(f) Other storage needed according to the hospice care center's functional program.

#### NEW SECTION

**WAC 246-335-740 Food preparation.** (1) A hospice care center applicant or licensee must:

(a) Locate food preparation areas to prevent objectionable heat, noise and odors to patient rooms;

(b) Provide a nourishment center for use by patients and family with:

- (i) A refrigerator capable of maintaining 45°F or less;
- (ii) A two-compartment sink;
- (iii) A range with exhaust hood and/or microwave;
- (iv) Work surfaces;
- (v) Storage for single service utensils and food items;
- (vi) Soap and paper towel dispensers or equivalent;
- (vii) Space for waste containers; and
- (viii) A self-dispensing ice machine if not provided elsewhere in the hospice care center.

(2) The following requirements only apply if the hospice care center is planning to prepare meals and snacks for patients on-site:

(a) When primarily preparing individual meals or snacks for patients, in addition to the requirements in subsection (1) of this section, the nourishment center must include:

- (i) A separate refrigerator for patients' food items capable of maintaining 45°F or less;
- (ii) Separate storage for patient food items, cooking and eating utensils;
- (iii) A handwash sink; and
- (iv) A domestic dishwasher with a continuous supply of 155°F of water.

(b) When primarily preparing meals for fifteen or fewer patients at a time, the kitchen and equipment for preparation of patient meals and snacks must comply with chapter 246-215 WAC, Food sanitation, except, the hospice care center may use domestic or home type kitchen appliances including mechanical dishwashers; and

(c) When primarily preparing meals for sixteen or more patients at a time, the kitchen for preparation of patient meals and snacks must comply with chapter 246-215 WAC, Food sanitation.

#### NEW SECTION

**WAC 246-335-742 Linen handling facilities.** A hospice care center applicant or licensee must provide linen handling facilities with the capacity for receiving, holding, sorting, and separating soiled and clean linens either in:

(1) Clean and soiled utility rooms meeting the requirements of WAC 246-335-732; or

(2) In a separate linen handling facility meeting the following requirements:

- (a) Floor drain(s) located in the soiled linen area;
- (b) Handwash sink in soiled and clean processing areas;
- (c) Negative air pressure gradient with direction of air flow from clean side of room to dirty side of room is shared;
- (d) A folding area on clean side of room; and
- (e) Separate clean linen storage located to avoid sources of moist or contaminated air with:
  - (i) Storage for reserve supply of linens, blankets, and pillows; and
  - (ii) Space for carts or shelves.

#### NEW SECTION

**WAC 246-335-744 Laundry facilities.** A hospice care center applicant or licensee must provide laundry service through the use of:

- (1) A commercial laundry service; or
- (2) On-site laundry facilities with:
  - (a) A system to avoid through traffic or excessive heat, noise or odors to travel to patient rooms;
  - (b) Equipment capacity for processing laundry;
  - (c) Arrangement for uninterrupted work flow from soiled to clean function;
  - (d) Washing machine(s);
  - (e) Floor drains as required for equipment;
  - (f) Dryer(s);
  - (g) Dryer exhaust to the exterior and make-up air; and
  - (h) A handwash sink.

#### NEW SECTION

**WAC 246-335-746 Utility rooms.** (1) A hospice care center applicant or licensee must provide a clean utility room with no direct connection to soiled utility services, including:

- (a) Sufficient clean storage and handling area(s);
- (b) Closed storage for clean and sterile supplies and equipment;
- (c) A work surface;
- (d) A handwash sink;
- (e) Soap and towel dispenser; and
- (f) A self-closing door.

(2) The hospice care center must provide a soiled utility room on each floor of the center with no direct connection to clean utility services, including:

- (a) A clinic service sink, siphon jet or equivalent with bedpan flushing attachment unless bedpan flushing devices are furnished in all patient toilets;
- (b) A counter top, two-compartment sink, and gooseneck spout or equivalent;
- (c) Storage for cleaning supplies and equipment;
- (d) Soap and towel dispenser;
- (e) Locked storage for chemicals; and
- (f) A self-closing door.

### **Part 8 - Specific Design Requirements**

#### NEW SECTION

**WAC 246-335-748 Plumbing.** An applicant must design and install plumbing, including:

- (1) Backflow prevention. Devices on plumbing fixtures, equipment, facilities, buildings, premises, or areas which may cause actual or potential cross-connections of systems in order to prevent the backflow of water or other liquids, gases, mixtures, or substances into a water distribution system or other fixtures, equipment, facilities, buildings, or areas;
- (2) Trap primers in floor drains and stand pipes subject to infrequent use;
- (3) Wrist, knee or foot faucet controls or equivalent and gooseneck spouts on handwash sinks;
- (4) Insulation on:
  - (a) Hot water piping systems;

- (b) Cold water and drainage piping; and
- (c) Piping exposed to outside temperatures.
- (5) Equipment to deliver hot water at point of use as follows:
  - (a) 120°F or less for handwash sinks and bathing fixtures;
  - (b) 160°F or more for laundry washers;
  - (c) 120°F or more for laundry washers using chemical sanitation.

#### NEW SECTION

**WAC 246-335-750 Medical gases.** If oxygen is stored or used on the premises, the following must apply in addition to other codes and regulations:

- (1) Electrical equipment used in oxygen-enriched environments must be properly designed for use with oxygen and should be labeled for use with oxygen; and
- (2) "No smoking" signs must be posted where oxygen is being administered.

#### NEW SECTION

**WAC 246-335-752 Heating, ventilating and air conditioning.** (1) Hospice care centers must have systems to provide individual temperature control for patient rooms to ensure patient preference and comfort. The hospice care center must have the capacity to maintain:

- (a) Patient rooms at 70°F in summer and 80°F in winter; and
- (b) Nonpatient care areas at 75°F in summer and 70°F in winter.
- (2) Provide air pressurization differentials within the facility to promote the movement air from clean areas into dirty areas per American Society of Heating, Refrigerating and Air-conditioning Engineers (ASHRAE) 170.
- (3) Provide air changes in areas per ASHRAE 170.

#### NEW SECTION

**WAC 246-335-754 Electrical and communication systems.** A hospice care center applicant or licensee must provide general electrical service including:

- (1) Tamper proof receptacles in patient rooms, toilets, and bathing facilities, and family and public areas;
- (2) Ground fault circuit interrupter (GFCI) receptacle when located within five feet of water source and above counters that contain sinks;
- (3) Emergency electrical service with:
  - (a) Adequate emergency lighting in patient rooms;
  - (b) At a minimum, provisions must be made for emergency lighting for means of egress; and
  - (c) Power, appropriate to provide continuous operation of life support equipment.
- (4) Lighting fixtures with:
  - (a) Number, type, and location to provide illumination for the functions of each area;
  - (b) A reading light and control, conveniently located for patient use at each bed in the patient rooms; and
  - (c) Protective lens or protective diffusers on overhead light fixtures:

- (i) Over patient beds;
- (ii) In areas where patient care equipment and supplies are processed; and
- (iii) In nourishment centers or kitchen areas.
- (d) A night light or equivalent low level illumination; and
- (e) Night light switches and general illumination switches located adjacent to the opening side of patient room doors.
- (5) An electronic means of communication that notifies on-duty personnel, contractors, or volunteers and that must:
  - (a) Be located at the head of the bed in patient rooms and in all common areas accessible by the patients;
  - (b) Be physically or verbally accessible by patients slumped forward on the floors of either the toilet, bathing facility, or dressing room; and
  - (c) Consider the patient's communication needs.

### **Part 9 - Patient Areas**

#### NEW SECTION

**WAC 246-335-756 Patient rooms.** (1) A hospice care center applicant or licensee must locate patient rooms to exclude through traffic and minimize the penetration of objectionable odors and noise from other areas of the center.

- (2) Hospice care centers must ensure each patient room is:
  - (a) Directly accessible from a corridor; and
  - (b) A minimum of one hundred square feet for private rooms and one hundred sixty square feet for rooms allowing a roommate.
  - (3) All operable windows or openings that serve for ventilation must be provided with screening.
  - (4) Patient room must be located above grade level.
  - (5) Patient beds must be placed so they do not interfere with entrance, exit or traffic flow within the room.
  - (6) Patient rooms must be safe, private, clean and comfortable, allowing the patient to use personal belongings to the extent possible and include:
    - (a) Seating for several family members, with provision for at least one sleeping accommodation in patient rooms;
    - (b) A window with a view of landscaping to the exterior;
    - (c) A telephone readily available for the patient and family to make and receive confidential calls; and
    - (d) A space suitable for hanging full-length garments and secure storage of personal belongings within the patient room.

#### NEW SECTION

**WAC 246-335-758 Patient toilets and bathing facilities.** (1) Each patient toilet must adjoin the patient room and include:

- (a) Bedpan flushing equipment if bedpan flushing equipment is not located in a soiled utility room;
- (b) A handwash sink;
- (c) Single service soap and towel dispensers;
- (d) Slip resistant floor surfaces;
- (e) A toilet paper holder;
- (f) Backing to support mounting of all accessories; and

(g) Mirror and shelving or equivalent at each handwash sink.

(2) There must be at least one patient toilet in the hospice care center meeting the accessibility requirements in chapter 51-50 WAC for every four patient beds. A minimum of one patient toilet meeting the accessibility requirements is required for each hospice care center.

(3) Bathing facilities, which may be separate from patient toilet rooms, must include:

- (a) Slip resistant floors;
- (b) An adequate supply of hot water available at all times;
- (c) A towel bar, hook, or ring;
- (d) A robe hook; and
- (e) Grab bars that are easily cleanable and resistant to corrosion.

### **Part 10 - Family, Personnel, Volunteer, Contractor, and Public Areas**

#### NEW SECTION

**WAC 246-335-760 Family, personnel, volunteer, contractor, and public areas.** (1) A hospice care center applicant or licensee must provide family use areas with:

- (a) A minimum of two hundred square feet;
- (b) Comfortable seating for several family members;
- (c) Provision for families and patients to share meals;
- (d) Drinking water;
- (e) A public telephone;
- (f) Information desk or directory signage; and
- (g) Exterior, clear glass windows with a maximum sill height of thirty-six inches.

(2) Hospice care centers must provide a private space at least one hundred fifty square feet in size for every ten beds and an additional seventy-five square feet for every additional five beds. The private space should be designed for:

- (a) Private group, family, and individual interviews and counseling;
- (b) Interdisciplinary weekly conferences and personnel, contractor, and volunteer breaks; and
- (c) Spiritual services.

(3) Hospice care centers must provide additional space for personnel, contractors and volunteers. This space must be designed to accommodate:

- (a) Secure storage for medical records;
- (b) Personnel, contractor, and volunteer break areas;
- (c) Personnel, contractor, and volunteer work areas;
- (d) General storage; and
- (e) At least one personnel, contractor, and volunteer toilet room with handwash sink.

(4) Hospice care centers must provide one visitor toilet room with handwash sink for every ten beds.

### **Part 11 - Facility Support**

#### NEW SECTION

**WAC 246-335-762 Environmental services facilities.**

(1) The hospice care center must provide a waste handling

area including storage area in a separate area designed to maintain pest control, or in an outside, enclosed space with:

(a) A handwash sink located adjacent to the path of travel back into patient care areas;

(b) If planned, an interior waste container wash area with floor drain connected to a sanitary sewage system and hose bibs with hot and cold water;

(c) If planned, an exterior waste dumpster and compactor storage area with hose bibs for cold water.

(2) The hospice care center must provide a locked house-keeping supply room on each floor with:

- (a) A service sink or equivalent;
- (b) Soap and towel dispenser;
- (c) A mop rack storage area for mobile housekeeping equipment and supplies; and
- (d) Storage for chemicals.

#### NEW SECTION

**WAC 246-335-764 Maintenance facilities.** A hospice care center applicant or licensee must:

(1) If planning a maintenance shop, ensure it is located and designed for easy delivery and removal of equipment and to minimize noise and dust to the rest of the hospice care center with:

(a) Storage for solvents, flammable and combustible liquids; and

(b) Storage for supplies and equipment.

(2) Provide a separate room or area specifically for repair, and testing of electronic or other medical equipment according to the functional program.

#### NEW SECTION

**WAC 246-335-766 Receiving, storage and distribution facilities.** A hospice care center applicant or licensee must:

(1) Provide bulk and general supply storage constructed to control pests and prevent spoilage, contamination, damage, and corrosion of goods including:

(a) Protection against inclement weather;

(b) Secured spaces with appropriate environmental conditions in accordance with federal and state laws and rules on supplies and medication storage if pharmaceuticals are stored; and

(c) Off-floor storage when required to prevent contamination and water damage to stores.

(2) Provide receiving and unloading area with:

(a) Administrative work space;

(b) Security and protection for supplies; and

(c) Location to prevent vehicle exhaust from entering the hospice care center.

(3) Provide storage if needed for:

(a) Flammable and combustible liquid storage;

(b) Laboratory chemicals;

(c) Medical compressed gases;

(d) Gaseous oxidizing materials;

(e) Pesticides, cleaning compounds, and toxic substances; and

(f) Mobile housekeeping equipment.

**Part 12 - Exemptions and Alternative Methods**

NEW SECTION

**WAC 246-335-768 Exemptions and alternative methods.** Hospice care centers applying for an exemption to any of the requirements in WAC 246-335-726 through 246-335-766 must comply with the requirements in WAC 246-335-355.

**Part ((3)) 13 - Fees**

AMENDATORY SECTION (Amending WSR 12-11-063, filed 5/15/12, effective 6/30/12)

**WAC 246-335-990 Fees.** ~~((1) A licensee or applicant shall submit to the department:~~

| # of FTEs   | Home Health | Hospice    | Home Care  | # of Beds | Hospice Care Center |
|-------------|-------------|------------|------------|-----------|---------------------|
| 5 or less   | \$2,432.00  | \$1,216.00 | \$730.00   | 5 or less | \$810.00            |
| 6 to 15     | \$3,421.00  | \$1,280.00 | \$1,321.00 | 6 to 10   | \$1,622.00          |
| 16 to 50    | \$3,893.00  | \$1,906.00 | \$1,419.00 | 11 to 15  | \$2,432.00          |
| 51 to 100   | \$4,906.00  | \$3,052.00 | \$1,662.00 | 16 to 20  | \$3,243.00          |
| 101 or more | \$5,052.00  | \$3,211.00 | \$1,784.00 |           |                     |

~~(ii) For multiple service category licenses:~~

~~(A) One hundred percent of the home health category fee and seventy-five percent of the appropriate service category fee for each additional service category (hospice, home care, hospice care center); or~~

~~(B) One hundred percent of the hospice category fee and seventy-five percent of the appropriate service category fee for each additional service category (home care, hospice care center); and~~

~~(c) A change of ownership fee of two hundred fifty dollars for each licensed service category. A new license will be issued and valid for the remainder of the current license period.~~

~~(2) The department may charge and collect from a licensee a fee of one thousand two hundred ninety-seven dollars for:~~

~~(a) A second on-site visit resulting from failure of the licensee to adequately respond to a statement of deficiencies;~~

~~(b) A complete on-site survey resulting from a substantiated complaint; or~~

~~(c) A follow up compliance survey.~~

~~(3) A licensee with deemed status shall pay fees according to this section.~~

~~(4) A licensee shall submit an additional late fee in the amount of fifty dollars per day, not to exceed six hundred fifty dollars, from the renewal date (which is thirty days before the current license expiration date) until the date of mailing the fee, as evidenced by the postmark.~~

~~(5) Refunds. The department shall refund fees paid by the applicant for initial licensure as follows:~~

~~(a) If an application has been received but no on-site survey or technical assistance has been performed by the department,~~

~~(a) An initial twelve-month license fee of two thousand four hundred thirty-two dollars for each service category for new persons not currently licensed in that category to provide in-home services in Washington state, or currently licensed businesses which have had statement of charges filed against them;~~

~~(b) A twenty-four-month renewal fee for home care, home health and hospice agencies, based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency personnel or contractors, according to the following table. A twenty-four-month renewal fee for hospice care centers, based on the number of beds, according to the following table:~~

~~(i) For single service category licenses:~~

~~ment, two-thirds of the fees paid, less a fifty dollar processing fee; or~~

~~(b) If an application has been received and an on-site survey or technical assistance has been performed by the department, one-third of the fees paid, less a fifty dollar processing fee.~~

~~(6) The department may not refund applicant fees if:~~

~~(a) The department has performed more than one on-site visit for any purpose;~~

~~(b) One year has elapsed since an initial licensure application is received by the department, but no license is issued because applicant failed to complete requirements for licensure; or~~

~~(c) The amount to be refunded as calculated by subsection (5)(a) or (b) of this section is ten dollars or less.))~~

(1) Initial license. An applicant shall submit to the department an initial twelve-month license fee of three thousand two hundred eighty-three dollars for each service category (home care, home health, hospice) for persons not currently licensed to provide in-home services in Washington state.

(2) Adding new service categories to existing license. A licensee shall submit to the department an initial twelve-month license fee of three thousand two hundred eighty-three dollars for each new service category (home care, home health, hospice, hospice care center) for licensees not currently licensed in that category to provide in-home services in Washington state, or currently licensed businesses which have had enforcement action filed against them.

(3) Renewal license. A licensee shall submit to the department a twenty-four month renewal fee for home care, home health and hospice agencies, based on the number of full-time equivalents (FTEs), which is a measurement based on a forty hour week and is applicable to paid agency person-

nel or contractors, according to Table 1 of this section. The department will assume a minimum of 1 FTE for each approved service area per service category. The licensee shall submit to the department a twenty-four month renewal fee for

hospice care centers, based on the number of beds, according to Table 1 of this section:

(a) For licenses with a single service category:

**Table 1 - Renewal Fees**

| <u># of FTEs</u>   | <u>Home Care</u>  | <u>Home Health</u> | <u>Hospice</u>    | <u># of Beds</u> | <u>Hospice Care Center</u> |
|--------------------|-------------------|--------------------|-------------------|------------------|----------------------------|
| <u>5 or less</u>   | <u>\$1,530.00</u> | <u>\$3,283.00</u>  | <u>\$1,642.00</u> | <u>5 or less</u> | <u>\$1,642.00</u>          |
| <u>6 to 15</u>     | <u>\$1,783.00</u> | <u>\$4,618.00</u>  | <u>\$1,856.00</u> | <u>6 to 10</u>   | <u>\$2,190.00</u>          |
| <u>16 to 50</u>    | <u>\$1,916.00</u> | <u>\$5,256.00</u>  | <u>\$2,383.00</u> | <u>11 to 15</u>  | <u>\$3,283.00</u>          |
| <u>51 to 100</u>   | <u>\$2,244.00</u> | <u>\$6,623.00</u>  | <u>\$4,120.00</u> | <u>16 to 20</u>  | <u>\$4,378.00</u>          |
| <u>101 or more</u> | <u>\$2,408.00</u> | <u>\$6,820.00</u>  | <u>\$4,335.00</u> |                  |                            |

(b) For licenses with multiple service categories:

(i) One hundred percent of the home health category fee and seventy-five percent of the appropriate service category fee for each additional service category (home care, hospice, hospice care center); or

(ii) One hundred percent of the hospice category fee and seventy-five percent of the appropriate service category fee for each additional service category (home care, hospice care center).

(4) Change of ownership. A change of ownership fee of three hundred fifty dollars for each licensed service category (home care, home health, hospice, hospice care center). A new license will be issued and valid for the remainder of the current license period.

(5) The department may charge and collect from a licensee a fee of one thousand five hundred thirty dollars for:

(a) An on-site follow-up compliance survey deemed necessary in order to complete the survey process;

(b) An on-site compliance survey deemed necessary due to failure of the licensee to adequately respond to a statement of deficiencies or a directed plan of correction;

(c) An on-site compliance survey deemed necessary due to a substantiated complaint investigation; or

(d) State licensing surveys conducted during renewal periods that require on-site survey time beyond two days.

(6) A licensee that is not subject to the state survey requirement according to WAC 246-335-350 shall pay fees according to this section.

(7) A licensee shall submit an additional late fee in the amount of fifty dollars per day, not to exceed six hundred fifty dollars, from the renewal date, which is thirty days before the current license expiration date, until the date of mailing the fee, as evidenced by the postmark.

(8) Refunds. The department shall refund fees paid by the applicant for initial licensure as follows:

(a) If an application has been received but no on-site survey or technical assistance has been performed or provided by the department, two-thirds of the fees paid, less a fifty dollar processing fee; or

(b) If an application has been received and an on-site survey or technical assistance has been performed or provided by the department, one-third of the fees paid, less a fifty dollar processing fee.

(9) The department may not refund applicant fees if:

(a) The department has performed more than one on-site visit for any purpose;

(b) Nine months has elapsed since an initial licensure application is received by the department, but no license has been issued due to applicant's failure to complete the requirements for licensure; or

(c) The amount to be refunded as calculated by subsection (8)(a) or (b) of this section is ten dollars or less.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 246-335-001 Scope and purpose.
- WAC 246-335-010 Applicability.
- WAC 246-335-015 Definitions.
- WAC 246-335-020 License required.
- WAC 246-335-025 Initial application.
- WAC 246-335-030 Renewal.
- WAC 246-335-035 Change of ownership.
- WAC 246-335-040 Applicant or licensee rights and responsibilities.
- WAC 246-335-045 Department responsibilities.
- WAC 246-335-050 Deemed status.
- WAC 246-335-055 Plan of operation.
- WAC 246-335-060 Delivery of services.
- WAC 246-335-065 Personnel, contractor, and volunteer policies.
- WAC 246-335-070 Personnel, contractor and volunteer records.
- WAC 246-335-075 Bill of rights.
- WAC 246-335-080 Home health plan of care.
- WAC 246-335-085 Hospice plan of care.
- WAC 246-335-090 Home care plan of care.
- WAC 246-335-095 Supervision of home health care.
- WAC 246-335-100 Supervision of hospice care.

WAC 246-335-105 Supervision of home care.  
 WAC 246-335-110 Patient/client records.  
 WAC 246-335-115 Quality improvement.  
 WAC 246-335-120 Home medical supplies and equipment.  
 WAC 246-335-125 Exemptions and alternative methods.  
 WAC 246-335-130 Applicability.  
 WAC 246-335-135 Definitions.  
 WAC 246-335-140 License required.  
 WAC 246-335-145 Initial application.  
 WAC 246-335-150 Renewal.  
 WAC 246-335-155 Other general hospice care center licensing requirements.  
 WAC 246-335-160 Nutritional services.  
 WAC 246-335-165 Infection control.  
 WAC 246-335-170 Emergency preparedness.  
 WAC 246-335-175 Pharmaceutical services.  
 WAC 246-335-180 Applicability.  
 WAC 246-335-185 Application and approval.  
 WAC 246-335-190 Construction and design codes.  
 WAC 246-335-195 Construction documents.  
 WAC 246-335-200 Site and site development.  
 WAC 246-335-205 General requirements.  
 WAC 246-335-210 Furnishings.  
 WAC 246-335-220 Pharmaceutical services area.  
 WAC 246-335-225 Food preparation.  
 WAC 246-335-230 Linen handling facilities.  
 WAC 246-335-235 Laundry facilities.  
 WAC 246-335-240 Utility rooms.  
 WAC 246-335-245 Plumbing.  
 WAC 246-335-250 Medical gases.  
 WAC 246-335-255 Heating, ventilating and air conditioning.  
 WAC 246-335-260 Electrical service and distribution.  
 WAC 246-335-265 Patient rooms.  
 WAC 246-335-270 Patient toilets and bathing facilities.  
 WAC 246-335-275 Family, personnel, volunteer, contractor, and public areas.  
 WAC 246-335-280 Environmental services facilities.  
 WAC 246-335-285 Maintenance facilities.  
 WAC 246-335-290 Receiving, storage and distribution facilities.  
 WAC 246-335-295 Exemptions and alternative methods.

**WSR 17-22-129**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed November 1, 2017, 9:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-13-032.

Title of Rule and Other Identifying Information: Purchasing additional service credit, WAC 415-02-177 May I purchase additional service credit?

Hearing Location(s): On December 5, 2017, at 2:00 p.m., at the Department of Retirement Systems (DRS), 6835 Capitol Boulevard S.E., Conference Room 115, Tumwater, WA 98502.

Date of Intended Adoption: December 5, 2017.

Submit Written Comments to: Jilene Siegel, DRS, P.O. Box 48380, Olympia, WA 98504-8380, email Rules@drs.wa.gov, by December 4, 2017.

Assistance for Persons with Disabilities: Contact Jilene Siegel, phone 360-664-7291, TTY 711, email Rules@drs.wa.gov, by December 1, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To clarify that the benefit increase resulting from the purchase of additional service credit will become effective the day after full payment is received, even if the member is retiring retroactively.

Reasons Supporting Proposal: See purpose above.

Statutory Authority for Adoption: RCW 41.50.050.

Statute Being Implemented: RCW 41.26.199 (Law enforcement officers' and firefighters' Plan 1), 41.26.432 (Law enforcement officers' and firefighters' Plan 2), 41.32.066 (Teachers' retirement system), 41.35.183 (School employees' retirement system), 41.37.265 (Public safety employees' retirement system), 41.40.034 (Public employees' retirement system), and 43.43.233 (Washington state patrol retirement system).

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

Name of Proponent: DRS, governmental.

Name of Agency Personnel Responsible for Drafting: Lanette Barton, DRS, P.O. Box 48380, Olympia, WA 98504, 360-664-7171; and Implementation: Seth Miller, DRS, P.O. Box 48380, Olympia, WA 98504, 360-664-7304.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 (5)(a)(i) does not apply to this proposed rule and is not voluntarily made applicable by the agency.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: DRS' rules only impact members and beneficiaries of the state retirement systems and participating public employers, and do not affect small businesses.

November 1, 2017



Jilene Siegel  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 16-04-048, filed 1/27/16, effective 2/27/16)

**WAC 415-02-177 May I purchase additional service credit? (1) What is the option for purchasing additional service credit?** The following statutes provide an option for eligible members to purchase additional service credit that provides a guaranteed, lifetime increase to their monthly retirement benefit:

- (a) RCW 41.26.199 for LEOFF Plan 1 members;
- (b) RCW 41.26.432 for LEOFF Plan 2 members;
- (c) RCW 41.40.034 for PERS Plan 1, 2, and 3 members;
- (d) RCW 41.37.265 for PSERS Plan 2 members;
- (e) RCW 41.35.183 for SERS Plan 2 and 3 members;
- (f) RCW 41.32.066 for TRS Plan 1, 2, and 3 members;

and

- (g) RCW 43.43.233 for WSPRS Plan 1 and 2 members.

**(2) Am I eligible to purchase additional service credit?**

(a) You may purchase additional service credit if you are eligible to retire from one or more of the following plans and you elect a monthly benefit rather than a lump sum payment:

- (i) LEOFF Plan 1 or 2 under RCW 41.26.090 or 41.26.430;
- (ii) PERS Plan 1, 2, or 3 under RCW 41.40.180, 41.40.630, or 41.40.820;
- (iii) PSERS Plan 2 under RCW 41.37.210;
- (iv) SERS Plan 2 or 3 under RCW 41.35.420 or 41.35.680;

(v) TRS Plan 1, 2, or 3 under RCW 41.32.480, 41.32.765, or 41.32.875; or

(vi) WSPRS Plan 1 or 2 under RCW 43.43.250.

(b) If you retire as a result of a disability, you may purchase additional service credit if you meet the requirements in (a) of this section.

**(3) How much additional service credit may I purchase?** If you are eligible, you may purchase from one to sixty months of additional service credit in whole month increments.

**(4) May I use the additional purchased service credit to qualify for normal retirement or an early retirement?** No. You may not use the purchased service credit to qualify for normal retirement or to qualify for an early retirement.

**(5) When must I apply to purchase additional service credit?** You must submit your request to purchase additional service credit to the department at the same time you submit your application for retirement.

**(6) How much will my monthly retirement benefit increase if I purchase additional service credit?** The increase in your monthly retirement benefit will be calculated using the benefit formula for your system and plan, with a reduction for early retirement, if applicable.

**Example 1 (PERS Plan 2):** John is a member of PERS Plan 2. He applies for retirement, effective the first month after his 62nd birthday and chooses to purchase an additional sixty months (five years) of service credit. His average final compensation (AFC) is \$4000 per month. For illustration purposes in this example only, we will use .7240000 as the corresponding early retirement factor (ERF) for retiring three years early (actuarial factors change periodically). As a result, John's monthly benefit will increase by \$289.60 per month, calculated as follows:

$$\begin{aligned} \text{Amount of increase} &= 2\% \times \text{additional service credit years} \times \text{AFC} \times \text{ERF} \\ &= 2\% \times 5 \text{ years} \times \$4000 \times .7240000 \\ &= \$289.60 \end{aligned}$$

**Example 2 (TRS Plan 3):** Jane is a member of TRS Plan 3. She applies for retirement, effective the first month after her 62nd birthday and chooses to purchase an additional sixty months (five years) of service credit. Her AFC is \$4000 per month. For illustration purposes in this example only, we will use .7240000 as the corresponding ERF for retiring three years early (actuarial factors change periodically). As a result, Jane's monthly retirement benefit will increase by \$144.80 per month, calculated as follows:

$$\begin{aligned} \text{Amount of increase} &= 1\% \times \text{additional service credit years} \times \text{AFC} \times \text{ERF} \\ &= 1\% \times 5 \text{ years} \times \$4000 \times .7240000 \\ &= \$144.80 \end{aligned}$$

**Example 3 (LEOFF Plan 2):** Jim is a member of LEOFF Plan 2. He applies for retirement, effective the first month after his 53rd birthday and chooses to purchase an additional sixty months (five years) of service credit. His final average salary (FAS) is \$4000 per month. No ERF is needed for this calculation as Jim has already reached normal retirement age for LEOFF Plan 2. Jim's monthly retirement benefit will increase by \$400 per month, calculated as follows:

$$\begin{aligned} \text{Amount of increase} &= 2\% \times \text{additional service credit years} \times \text{FAS} \\ &= 2\% \times 5 \text{ years} \times \$4000 \\ &= \$400 \end{aligned}$$

**(7) How is the cost of the additional purchased service credit calculated?** The cost to purchase additional service credit is calculated by dividing the amount of the increase in subsection (6) of this section by the age-based annuity factor in effect at the time of retirement. (See WAC 415-02-340 for more information.)

**Example.** In subsection (6) of this section, Example 1, it was determined that John's retirement benefit would increase by \$289.60 per month. For illustration purposes in this example only, we will use .0065016 as the annuity factor for John's retirement date (actuarial factors change periodically). As a result, John's cost to purchase the five years of additional service credit would be \$44,542.88, calculated as follows:

$$\begin{aligned} \text{Cost} &= \text{Amount of increase} \div \text{age-based annuity factor} \\ &= \$289.60 \div .0065016 \\ &= \$44,542.88 \end{aligned}$$

**(8) How and when do I pay for the additional service credit?** The department will generate a bill to you for the cost of the additional service credit.

(a) Payment may be made with an eligible rollover, a direct rollover or a trustee-to-trustee transfer, if allowed by the transferring plan. Payment may also be made with after-tax dollars, such as money from a personal savings account. However, IRS regulations limit the amount of after-tax dollars you may use to purchase additional service credit.

(b) Payment must be made in full within ninety days after the bill issue date.

**(9) When will my benefit increase be effective? The increase in your benefit will be effective the day after the department receives your full payment.**

Example 1: If your full payment is received on August 31st, your benefit increase will be effective for the entire month of September and every month thereafter.

Example 2: If your full payment is received August 13th, your August benefit payment will be prorated to provide an increase for the days from August 14th through August 31st. Your September benefit and future monthly payments will reflect the entire monthly increase from purchasing the additional service credit.

**(10) If I choose a benefit option with a survivor feature, will my survivor's monthly benefit reflect the additional purchased service credit?** Yes. Depending upon the rules for your retirement system and plan and the benefit option you choose at retirement, your survivor's monthly benefit will be a percentage of the gross monthly retirement benefit you were receiving at the time of your death. Since the additional service you purchased is included in the calculation of your monthly benefit, the survivor option you designate for your monthly benefit will also be applied to the benefit from the purchased service credit. You cannot choose a different survivor. If you choose a benefit option with a survivor feature and your survivor dies before you, your monthly retirement benefit will increase to the amount it would have been had you not selected a survivor option.

**~~((+0))~~ (11) Will I receive a cost of living adjustment (COLA) on the portion of my benefit that is based on the additional purchased service credit?**

(a) For all systems and plans, except as noted in (b) of this subsection, your COLA will be based on your gross monthly retirement benefit, including the increase due to the purchased service credit.

(b) If you retire from PERS Plan 1 or TRS Plan 1 and you do not elect the optional auto COLA, you will not receive a COLA on the additional purchased service credit amount.

**~~((+1))~~ (12) If I purchase additional service credit and then return to work, how will my retirement benefit be affected?** Your entire retirement benefit, including the

amount attributable to purchased service credit, is subject to the return to work provisions of your system and plan. The following rules describe the impact on your benefit if you return to work as a retiree of the referenced systems and plans:

|                         |                 |
|-------------------------|-----------------|
| PERS Plans 1, 2, and 3: | WAC 415-108-710 |
| TRS Plan 1:             | WAC 415-112-541 |
| TRS Plans 2 and 3:      | WAC 415-112-542 |
| SERS Plans 2 and 3:     | WAC 415-110-710 |
| PSERS Plan 2:           | WAC 415-106-700 |
| LEOFF Plan 2:           | WAC 415-104-111 |

**~~((+2))~~ (13) If I retire and purchase less than sixty months of additional service credit, may I purchase more at a later time?** No. You may not purchase additional months of service credit from the same plan unless you return to membership and retire again from the same system and plan. You must meet the eligibility requirements provided in subsection (2) of this section at the time you retire again. You may not purchase more than a total of sixty months of service credit regardless of how many times you retire again from the same system and plan.

**~~((+3))~~ (14) May I purchase service credit from more than one retirement plan?**

(a) If you are a dual member under chapter 415-113 WAC, Portability of public employment benefits, and you combine service credit to retire as a dual member, you may purchase up to sixty months of additional service credit from each of your dual member plans.

(b) If you retire from more than one plan, but are not a dual member under chapter 415-113 WAC, you may purchase up to sixty months of additional service credit from each plan in which you meet the eligibility requirements in subsection (2) of this section.

**~~((+4))~~ (15) How are the funds I paid to purchase the additional service credit treated upon my death (and the death of my survivor, if applicable)?**

(a) Plans 1 and 2. The amount paid to purchase the additional service credit is credited to your individual account as part of your accumulated contributions. Distribution of accumulated contributions after your death (and the death of your survivor, if any) is governed by the statutes and rules applicable to your plan. See:

- (i) WAC 415-108-326 for PERS Plan 1 and 2;
- (ii) WAC 415-112-504(9) for TRS Plan 1;
- (iii) WAC 415-112-505(7) for TRS Plan 2;
- (iv) WAC 415-110-610(7) for SERS Plan 2;
- (v) WAC 415-106-600(7) for PSERS Plan 2;
- (vi) WAC 415-103-215 for WSPRS Plan 1;

- (vii) WAC 415-103-225(7) for WSPRS Plan 2;
- (viii) WAC 415-104-202 for LEOFF Plan 1; or
- (ix) WAC 415-104-215(7) for LEOFF Plan 2.

(b) Plan 3. If you and your survivor (if you selected a survivor option) die before the amount of your purchased service credit has been paid back to you in your monthly retirement benefit, the difference will be refunded to your designated beneficiary.

**WSR 17-22-132**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed November 1, 2017, 9:49 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-15-048 on July 11, 2017.

Title of Rule and Other Identifying Information: The department is amending the following rules as they relate to copy costs of department documents: WAC 220-120-020 Public records officer, 220-120-040 Requests for public records, 220-120-050 Processing requests for public records, 220-120-060 Costs of providing public records, 220-120-070 Exemptions, and 220-120-080 Review of denials of public records requests.

Hearing Location(s): On February 9-10, 2018, at 8:00 a.m., at the Natural Resources Building, 1111 Washington Street S.E., Room 172, Olympia, WA 98501.

Date of Intended Adoption: March 17, 2018.

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 360-902-2155, by November 30, 2017.

Assistance for Persons with Disabilities: Contact Delores Noyes, phone 360-902-2349, TTY 360-902-2207, email Delores.Noyes@dfw.wa.gov, by January 30, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is amending its rules based on passage of HB 1595 which provides legal authority for the department to charge the public for requested copies of department documents.

Reasons Supporting Proposal: 2017 legislation mandates that the department amend its rules concerning copy costs of department documents.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047.

Statute Being Implemented: RCW 42.56.120.

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: Bill Falling, 1111 Washington Street, Olympia, WA 98501, 360-902-2221; and Enforcement: Chief Steve Bear, 1111 Washington Street, Olympia, WA 98501, 360-902-2373.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rule changes do not affect hydraulics.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

November 1, 2017  
 Scott Bird  
 Rules Coordinator

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

**WAC 220-120-020 Public records officer.** (1) The department's public records officer:

(a) Receives all public records requests made to the department;

(b) Provides assistance to persons seeking department public records;

(c) Oversees the department's compliance with the Public Records Act, including locating, processing, and releasing records responsive to public records requests; and

(d) ~~((Creates and maintains an index of certain department public records, to the extent required by RCW 42.56.070(5); and~~

~~(e)))~~ Prevents the fulfillment of public records requests from causing excessive interference with essential functions of the department.

(2) The public records officer can be contacted at:

Public Records Officer  
 Department of Fish and Wildlife  
 Office Location:

Natural Resources Building, 5th Floor  
 1111 Washington Street S.E.  
 Olympia, WA 98501-1091

Mailing Address:

P.O. Box ((43200)) 43146

Olympia, WA ((98504-3200)) 98504-3146

email address: PublicDisclosureRequest@dfw.wa.gov

Current contact information is also available at the department's web site at <http://wdfw.wa.gov>.

(3) The public records officer may designate one or more department staff to carry out the responsibilities set forth in subsection (1) of this section; and other staff may process public records requests. Therefore, use of the term public records officer in this chapter may include the public records officer's designee(s) and/or any other staff assisting in processing public records requests, where indicated by context.

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

**WAC 220-120-040 Requests for public records.** (1)

Any person wishing to inspect or copy public records of the department must make the request in writing on the depart-

ment's request form, or by letter (~~(-fax,)~~) or email to the office or email address set forth in WAC 220-120-020(2). The written request must be addressed and sent to the public records officer and include the following information:

- (a) Name of the requestor;
- (b) Address of the requestor;
- (c) Other contact information, including telephone number and email address, if the requestor has one;
- (d) Identification of the public records sought, in a form or description that is adequate for the public records officer to identify and locate the records; and
- (e) The date and time of day of the request.

(2) If the requestor wishes to have copies of the records made, whether hard copy or electronic, instead of inspecting them, he or she must so indicate in the request (~~(and must either make a deposit for the cost of copying the records or make arrangements to pay for copies of the records))~~).

(3) A public records request form is available to requestors at the office of the public records officer and at the department's web site at <http://wdfw.wa.gov>.

(4) The records retention schedule established by the division of state archives of the office of the secretary of state serves as an index for the identification and location of the department records including those described in RCW 42.56.070(5). The records retention schedule can be found at either the department's web site or the secretary of state's web site.

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

**WAC 220-120-050 Processing requests for public records.** (1) **Order of processing public records requests.** The public records officer will process requests in the order allowing the greatest number of requests to be processed in the most efficient manner.

(2) **Acknowledging receipt of request.** Within five business days of receipt of the request, the public records officer will do one or more of the following:

(a) (~~(Make the records available for inspection or copying;))~~ Provide the records or provide a web link to the records;

(b) Send the copies to the requestor if copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon;

(c) (~~(Provide a reasonable estimate of when records will be available;~~

~~(d) Request clarification from the requestor if the request is unclear or does not sufficiently identify the requested records. Such clarification may be requested and provided by telephone. The public records officer may revise the estimate of when records will be available if an estimate was given; or~~

~~(e))~~ Acknowledge that the department has received the request, ask for clarification if the request is unclear, and provide a reasonable estimate of time required to respond to the request; or

~~(d)~~ Deny the request.

(3) **If no response is received.** If the public records officer does not respond in writing within five business days of receipt of the request for disclosure, the requestor should

(~~(consider contacting))~~ contact the public records officer to ensure that the department received the request.

(4) **Protecting the rights of others.** In the event that the requested public records contain information that may affect rights of others and may, therefore, be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to (~~(contact the requestor and ask him or her to revise the request or, if necessary,))~~ seek a court order to prevent or limit the disclosure. The notice to the affected persons may include a copy of the request.

(5) **Records exemption from disclosure.** Some records are exempt from disclosure, in whole or in part, as provided in chapter 42.56 RCW and in other statutes. If the department believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the records or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(6) **Inspections of records.**

(a) Consistent with other demands, the department will promptly provide space to inspect public records it has assembled in response to a properly submitted public records request. No member of the public may remove a document from the viewing area or disassemble or alter any document. If, after inspecting a record or records, the requestor wishes to receive a copy of a particular record or records, he or she should so indicate to the public records officer. Copies will be provided pursuant to subsection (7) of this section.

(b) The requestor must inspect the assembled records within (~~(thirty))~~ fourteen days of the department's notification to him or her that the records are available for inspection or copying. The department will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the department to make arrangements to inspect the records. If the requestor fails to inspect the records within the (~~(thirty-day))~~ fourteen-day period or make other arrangements, the department may close the request and refile the assembled records. If the requestor subsequently files the same or a substantially similar request, that subsequent request will be considered a new request and will be processed in the order allowing the greatest number of requests to be processed in the most efficient manner.

(7) **Providing copies of records.**

(a) Upon request, the department will provide copies of requested records. Copies may be provided in either hard copy or electronic format, as requested. The cost for copies is set forth in WAC 220-120-060. If a requestor wishes to obtain a copy of a particular record or records after inspecting records, he or she should so indicate to the public records officer, who will make the requested copies or arrange for copying.

(b) Copies may be mailed or emailed to the requestor, or made available for pickup at the department's offices. If the copies are available for pickup at the department's offices, the

requestor must pay for the copies within ~~((thirty))~~ fourteen days of the department's notification to him or her that the copies are available for pickup. The department will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the department to make arrangements to pay for and pick up the copies. If the requestor fails to pay for or pick up the copies within the ~~((thirty-day))~~ fourteen-day period, or fails to make other arrangements, the department may close the request. If the requestor subsequently files the same or a substantially similar request, that subsequent request will be considered a new request and will be processed in the order allowing the greatest number of requests to be processed in the most efficient manner.

(8) **Electronic records.** The process for requesting electronic public records is the same as for requesting paper public records. When a person requests records in an electronic format, the public records officer will provide the nonexempt records, or portions of such records that are reasonably locatable, in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record.

(9) **Providing records in installments.** When the request is for a large number of records, the public records officer may make the records available for inspection, or provide copies of the records in installments if he or she reasonably determines it would be practical to provide the records in that manner. ~~((The requestor must inspect the installment of assembled records, or pay for and pick up records if copies of the records are made available for pick up at the department's offices, within thirty days of the department's notification to him or her that records are available for inspection or are ready for pickup. If the requestor fails to inspect the installment of copies within the thirty-day period, fails to pay for and pick up the installment of copies within the thirty-day period, or fails to make other arrangements, the public records officer may stop searching for the remaining records and close the request.))~~

(10) **Closing a withdrawn or abandoned request.** ~~((When))~~ If the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, ~~((the public records officer will indicate that the department has completed a diligent search for the requested records and has made any located, nonexempt records available for inspection.))~~ then the public records officer ~~((will))~~ may close the request.

(11) **Completion of inspection.** When the inspection of the requested records is complete and all requested copies are provided, the public records officer will indicate that the department has completed a diligent search for the requested records and has made any located, nonexempt records available for inspection. Thereafter, the public records officer may close the request.

(12) **Later discovered documents.** If, after the department informs the requestor that it has provided all available records, the ~~((department))~~ public records officer becomes aware of additional responsive documents within one year that existed at the time of the request, the ~~((department))~~ pub-

lic records officer will promptly inform the requestor of the additional documents and make them available for inspection or provide copies on an expedited basis.

~~((13))~~ **Failure to clarify or claim records.** The department may ask the requestor to clarify what information that the requestor is seeking. If a requestor fails to respond to a request for clarification within a fourteen-day period, the public records officer may close the request. If a requestor fails to claim records that have been produced within a fourteen-day period, the public records officer may close the request.

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

**WAC 220-120-060 Costs of providing public records.**

(1) There is no fee for inspecting public records.

~~((2))~~ ~~((The department charges fifteen cents per sheet for paper copies of documents up to paper size 11" x 18". The department will not charge sales tax when it makes copies of public records.~~

~~((3))~~ ~~((The department may charge costs for providing copies of records in electronic format based on the department's actual costs and/or based on outside vendor rates for copying the same or similar records. The department incurs actual costs in scanning a paper-only record into an electronic format and may charge ten cents per page for electronic copies of scanned paper-only records.~~

~~((4))~~ ~~**Deposits and payments for copies and installments of copies.** Before beginning to make copies of requested records, the public records officer may require a deposit of up to ten percent of the estimated costs of copying. The public records officer may also require the payment of any outstanding balance of copying costs prior to providing the copies, or the payment of any outstanding balance of the copying costs for an installment of copies before providing the installment. If payment for an installment of copies is not received within thirty days of the department's notification to the requestor that the copies are available, the public records officer may stop searching for the remaining records and close the request.~~

~~((5))~~ ~~**Costs of mailing.** The department may also charge the actual costs of mailing, including the cost of the shipping container.~~

~~((6))~~ Pursuant to RCW 42.56.120(2), the department finds that it is unduly burdensome to calculate the actual costs that it charges for providing copies of public records for the following reasons: (a) Funds were not allocated for performing a study to calculate such actual costs and the department lacks the necessary funds to perform a study and calculations; staff resources are insufficient to perform a study and to calculate such actual costs; (b) a study would interfere with and disrupt other essential department functions. The department may charge fees for production of copies of public records consistent with the fee schedule established in RCW 42.56.120 and as published in the department's fee schedule available on the department web site at <http://wdfw.wa.gov>.

(3) Before copying requested public records, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all of the records.

The public records officer or designee may also require payment of the remainder or an installment of the copying costs before providing all of the records.

(4) The department will not release any requested copies of public records unless and until the requestor has paid all copying and other charges as set forth in this section.

(5) The department may determine whether customized electronic access to public records is required if the department estimates that the request would require the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by the department for other department purposes. The department will charge the actual costs, including staff time and outside vendor costs necessary to reimburse the department for providing customized electronic access services.

(6) The department may waive any charges for providing public records at the discretion of the public records officer. This determination will be made on a case-by-case basis.

(7) Payment. Payment may be made by cash, check, or money order to the Washington department of fish and wildlife.

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

**WAC 220-120-070 Exemptions.** (1) The Public Records Act exempts a number of types of records from public disclosure (see chapter 42.56 RCW).

(2) Records are also exempt from disclosure if any other statute exempts or prohibits disclosure. Requestors should be aware of the following exemptions outside the Public Records Act, which restrict the availability of some records held by the department:

(a) Privileged communication under RCW 5.60.060; ~~((and))~~

(b) Criminal records history under chapter 10.97 RCW; and

(c) A list of common record exemptions can be found at the department web site.

(3) The department is prohibited by statute from disclosing lists of individuals for commercial purposes.

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

**WAC 220-120-080 Review of denials of public records requests.** (1) **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email) to the public records officer for a review of that decision. The petition must include a copy of the written statement by the public records officer denying the request.

(2) **Consideration of petition for review.** The public records officer will promptly provide the petition and any other relevant information to the director of the department. The director or designee will immediately consider the petition and either affirm or reverse the denial within two business days following the department's receipt of the petition, or ~~((within such other time as the department and the~~

~~requestor mutually agree to))~~ will notify the requestor that more time is required to consider the petition.

(3) **Review by the attorney general's office.** Pursuant to RCW 42.56.530, if the department denies a requestor access to public records because it claims the record is exempt, in whole or in part, from disclosure, the requestor may request the attorney general's office to review the matter. The attorney general has adopted rules for such requests in WAC 44-06-160.

(4) **Judicial review.** Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial, regardless of any internal administrative appeal.

## WSR 17-22-137

### PROPOSED RULES

### SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed November 1, 2017, 11:40 a.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 17-18-108.

Title of Rule and Other Identifying Information: WAC 392-172A-02075.

Hearing Location(s): On December 8, 2017, at 9:00 a.m., at the Office of Superintendent of Public Instruction (OSPI), 600 South Washington Street, Brouillet Room, Olympia, WA 98501.

Date of Intended Adoption: December 12, 2017.

Submit Written Comments to: Glenna Gallo, Assistant Superintendent of Special Education, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, Attn: Special Education section, email [speced@k12.wa.us](mailto:speced@k12.wa.us) (please put "2017 Rulemaking" in the subject line), fax 360-586-0247, by December 8, 2017.

Assistance for Persons with Disabilities: Contact Kristin Murphy, phone 360-725-6133, fax 360-753-4201, TTY 360-664-3631, email [Kristin.murphy@k12.wa.us](mailto:Kristin.murphy@k12.wa.us), by December 1, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: OSPI is authorized under state statute to develop administrative rules to implement federal regulations governing special education services for students. OSPI's special education rules currently provide at WAC 392-172A-02075 that school districts are prohibited from requiring parents to obtain a prescription for substances identified under Schedules I through V in section 202(c) of the Controlled Substances Act as a condition of attending school, receiving an evaluation, or receiving educational services. The purpose of this proposed amendment to WAC 392-172A-02075 is to expand this prohibition to include substances identified under Schedules I through V of Washington's Uniform Controlled Substances Act (chapter 69.50 RCW) and any legend drug under state law. The expanded prohibition will not extend to prescriptions for substances required under other state laws.

Reasons Supporting Proposal: The proposed rule would prohibit school personnel from requiring parents to obtain

prescriptions for substances that are not identified as schedule drugs under federal law as a condition for attending school, receiving an evaluation, or receiving educational services.

Statutory Authority for Adoption: RCW 28A.155.090.

Statute Being Implemented: Chapter 28A.155 RCW.

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

Name of Agency Personnel Responsible for Drafting: Kasi Walker, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, 360-725-6075; Implementation and Enforcement: Glenna Gallo, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, 360-725-6075.

A school district fiscal impact statement is not required under RCW 28A.305.135.

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

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.030.

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

November 1, 2017

Chris P. S. Reykdal  
State Superintendent  
of Public Instruction

**AMENDATORY SECTION** (Amending WSR 07-14-078, filed 6/29/07, effective 7/30/07)

**WAC 392-172A-02075 Prohibition on mandatory medication.** (1) School district personnel are prohibited from requiring parents to obtain a prescription for the following substances as a condition of attending school, receiving an evaluation, or receiving special education services:

(a) Substances identified under Schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. Sec. 812(c)) ((for a student as a condition of attending school, receiving an evaluation, or receiving special education services:));

(b) Substances identified under Schedules I, II, III, IV, or V of the Uniform Controlled Substances Act (chapter 69.50 RCW); and

(c) Any legend drug as defined by RCW 69.41.010, unless otherwise required under RCW 28A.210.320.

(2) Nothing in subsection (1) of this section shall be construed to create a federal prohibition against teachers and other school personnel consulting or sharing classroom-based observations with parents or guardians regarding a student's academic and functional performance, or behavior in the classroom or school, or regarding the need for evaluation for special education or related services.

**WSR 17-22-139**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**ENTERPRISE SERVICES**

[Filed November 1, 2017, 11:57 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-16-173.

Title of Rule and Other Identifying Information: WAC 200-01-075 Costs of providing public records.

Hearing Location(s): On December 5, 2017, at 2:00 p.m., at 1500 Jefferson, Room 2320, Olympia, WA 98504.

Date of Intended Adoption: December 13, 2017.

Submit Written Comments to: Jack Zeigler, online <https://www.surveymonkey.com/>, by December 7, 2017.

Assistance for Persons with Disabilities: Contact Jack Zeigler, phone 360-407-9209, email [jack.zeigler@des.wa.gov](mailto:jack.zeigler@des.wa.gov), by November 21, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule change is to allow the department of enterprise services (DES) to use the statutory fee schedule when providing public records and to allow DES to use its discretion to waive charges for providing public records.

Reasons Supporting Proposal: EHB 1595 which was passed during the 2017 legislative session, changes the circumstances under which an agency may charge or waive charges for copying public records:

(1) In order to use the statutory fee schedule in lieu of charging actual costs for providing records, agencies are now required to declare by rule the reasons why calculating actual costs would be overly burdensome; and

(2) Agencies may only waive charges for public records requests if it has rules governing such a waiver of charges.

DES has not declared by rule the reasons why calculating actual costs would be overly burdensome; and does not have permanent rules in place governing a waiver of charges. Because of this, DES is limited to charging actual costs for providing public records until DES changes its rules.

Statutory Authority for Adoption: RCW 43.19.011 Director—Powers and duties and 42.56.120 Duty to publish procedures.

Statute Being Implemented: RCW 42.56.070 Documents and indexes to be made public—Statement of costs.

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

Name of Proponent: DES, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Harold Goldes, 1500 Jefferson, Olympia, WA, 360-407-8768; and Enforcement: Jason Siems, 1500 Jefferson, Olympia, WA, 360-407-8729.

A school district fiscal impact statement is not required under RCW 28A.305.135.

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.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

November 1, 2017  
Jack Zeigler  
Rules Manager

AMENDATORY SECTION (Amending WSR 12-02-004, filed 12/22/11, effective 1/22/12)

**WAC 200-01-075 Costs of providing public records.**

(1) There is no fee for inspecting public records. DES may ~~((impose a))~~ charge for providing public records ~~((DES))~~ or waive charges for providing public records. DES will charge using the fees listed under RCW 42.56.120 and will maintain a fee schedule on its web site.

(2) ~~((The charge for providing public records may be the actual cost incident to providing the records.~~

~~((a) The charge may include the actual cost of the postage or delivery, including the cost of the shipping container, cost of duplicating tape recordings, videotapes, photographs, slides, disks or similar media.~~

~~((b))~~ There will be no charge for emailing electronic records to a requestor, unless another cost applies.

(3) ~~((If determining the actual cost is too burdensome or if the cost cannot be determined, DES may charge fifteen cents for each page, however produced.))~~ DES has determined calculating the actual costs for providing public records is unduly burdensome for the following reasons:

(a) The level of effort, supplies, and shipping costs incurred by DES vary widely for each records request and are unique to each records request;

(b) Recordkeeping needed to capture all allowed costs unnecessarily increases DES's administrative overhead; and

(c) Determining actual costs for each records request within the statutory response time frame requires a greater than normal level of administrative resources.

(4) Before beginning to copy public records, the public records officer may require:

(a) A deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor;

(b) The payment of the remainder of the copying costs before providing all the records; or

(c) The payment of the costs of copying an installment before providing that installment. The department will not charge sales tax when it makes copies of public records.

(5) Payment may be made by cash in the exact amount charged, check, or money order to the department of enterprise services.