

WSR 15-20-053
PROPOSED RULES
DEPARTMENT OF HEALTH
(Dental Quality Assurance Commission)
[Filed September 30, 2015, 4:40 p.m.]

Supplemental Notice to WSR 14-18-031.

Preproposal statement of inquiry was filed as WSR 14-04-019.

Title of Rule and Other Identifying Information: WAC 246-817-724 Recordkeeping, equipment and emergency medications or drugs required in all sites where anesthetic agents of any kind are administered, 246-817-740 Minimal sedation by inhalation, 246-817-745 Minimal sedation, 246-817-755 Moderate sedation, 246-817-760 Moderate sedation with parenteral agents, and 246-817-772 Training requirements for anesthesia monitor. The dental quality assurance commission (commission) is proposing changing monitoring, recordkeeping and equipment requirements when dentists administer anesthetic agents for dental procedures.

Hearing Location(s): Department of Health, Point Plaza East, Room 152/153, 310 Israel Road S.E., Tumwater, WA 98501, on December 11, 2015, at 8:05 a.m.

Date of Intended Adoption: December 11, 2015.

Submit Written Comments to: Jennifer Santiago, P.O. Box 47852, Olympia, WA 98504, e-mail <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-2901, by December 7, 2015.

Assistance for Persons with Disabilities: Contact Jennifer Santiago by December 7, 2015, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules clarify charting requirements and required use of pulse oximetry and electrocardiographic monitors. Proposed changes will align existing rules with national practice standards currently being used by dentists. Proposed changes to continuing education rule language provide clarity for dentists who administer any type of sedation.

Reasons Supporting Proposal: Dentists must comply with requirements listed in WAC 246-817-701 through 246-817-790 when administering any type of anesthetic agents for a dental procedure. This includes local anesthetic, minimal sedation, moderate sedation, deep sedation/analgesia, and general anesthesia. Updating the monitoring and equipment requirements of WAC 246-817-724, 246-817-740, 246-817-745, 246-817-755, 246-817-760, and 246-817-772 will help safeguard patients and be consistent with recognized standard of care. Additionally, modification to continuing education rule language clarifies what is required for continuing education.

Statutory Authority for Adoption: RCW 18.32.0365 and 18.32.640.

Statute Being Implemented: RCW 18.32.640.

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

Name of Proponent: Washington state dental quality assurance commission, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Jennifer Santiago, 111 Israel Road S.E., Tumwater, WA 98501, (360) 236-4893.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule would not impose more than minor costs on businesses in an industry.

A cost-benefit analysis is required under RCW 34.05-328. A preliminary cost-benefit analysis may be obtained by contacting Jennifer Santiago, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4893, fax (360) 236-2901, e-mail jennifer.santiago@doh.wa.gov.

September 30, 2015
Charles Hall, D.D.S., Chair
Dental Quality
Assurance Commission

AMENDATORY SECTION (Amending WSR 09-04-042, filed 1/30/09, effective 3/2/09)

WAC 246-817-724 Recordkeeping, equipment and emergency medications or drugs required in all sites where anesthetic agents of any kind are administered. (1) Dental records must contain an appropriate medical history and patient evaluation. Any adverse reactions, and all medications and dosages, must be recorded.

(2) When sedation of any level is to be administered, excluding minimal sedation by inhalation, pre-sedation vitals including, but not limited to, blood pressure and heart rate must be obtained and recorded, unless the cooperation of the patient or circumstances of the case will not allow it. If pre-sedation vitals cannot be obtained, the reason(s) why must be recorded.

(3) Office facilities and equipment must include:

(a) Suction equipment capable of aspirating gastric contents from the mouth and pharynx;

(b) Portable oxygen delivery system including full face masks and a bag-valve-mask combination with appropriate connectors capable of delivering positive pressure, oxygen enriched ventilation to the patient;

(c) Blood pressure cuff (sphygmomanometer) of appropriate size;

(d) Stethoscope or equivalent monitoring device.

((3)) (4) The following emergency drugs must be available and maintained:

(a) Bronchodilator;

(b) Sugar (glucose);

(c) Aspirin;

(d) Antihistaminic;

(e) Coronary artery vasodilator;

(f) Anti-anaphylactic agent.

AMENDATORY SECTION (Amending WSR 09-04-042, filed 1/30/09, effective 3/2/09)

WAC 246-817-740 "Minimal sedation by inhalation" (to include, but not limited to, nitrous oxide). (1) Training requirements: To administer inhalation minimal sedation a dentist must have completed a course containing a minimum of fourteen hours of either predoctoral dental school or post-graduate instruction in inhalation minimal sedation.

(2) Procedures for administration: Inhalation minimal sedation must be administered under the close supervision of

a person qualified under this chapter and dental hygienists as provided in chapter 18.29 RCW:

(a) When administering inhalation minimal sedation, a second individual must be on the office premises and able to immediately respond to any request from the person administering the inhalation minimal sedation;

(b) The patient must be continuously observed while inhalation minimal sedation is administered.

(3) Equipment and emergency medications: All offices in which inhalation minimal sedation is administered must comply with the recordkeeping and equipment standards listed in WAC 246-817-724.

(4) Dental records must contain documentation in the chart of either nitrous oxide, oxygen or any other inhalation sedation agent dispensed.

(a) In the case of nitrous oxide sedation only "N₂O used" is required.

(b) Other inhalation agents require a dose record noting the time each concentration or agent was used.

(5) Continuing education: A dentist who administers inhalation sedation to patients must participate in seven hours of continuing education or equivalent every five years.

(a) The education must include instruction in one or more of the following areas:

- (i) Sedation;
- (ii) Physiology;
- (iii) Pharmacology;
- (iv) Inhalation analgesia;
- (v) Patient evaluation;
- (vi) Patient monitoring; and
- (vii) Medical emergencies(☺).

(b) In addition to education requirements in (a) of this subsection, the dentist must obtain health care provider basic life support (BLS), or advanced cardiac life support (ACLS) ((training does not count towards this requirement; however, these continuing education credit hours)) certification to renew the minimal sedation by inhalation permit. Hourly credits earned from certification in BLS or ACLS courses may not be used to meet the education requirements in (a) of this subsection. However, the hourly credits earned in BLS or ACLS certification may be used to meet ((renewal)) the requirements ((for the dental)) of WAC 246-817-440 to renew the dentist license.

(6) A permit of authorization is not required.

AMENDATORY SECTION (Amending WSR 09-04-042, filed 1/30/09, effective 3/2/09)

WAC 246-817-745 "Minimal sedation." (1) Training requirements: To administer "minimal sedation," including:

(a) A single oral agent, a dentist must have completed a course containing a minimum of fourteen hours of a predoctoral dental school, postgraduate instruction, or continuing education (as defined in WAC 246-817-440) in the use of oral agents;

(b) Any oral agent in combination with a different agent or multiple agents other than nitrous oxide or injectable agents, a dentist must have completed a course containing a minimum of twenty-one hours of either predoctoral dental school or postgraduate instruction.

(2) Procedures for administration:

(a) Oral sedative agents can be administered in the treatment setting or prescribed for patient dosage prior to the appointment;

(b) A second individual must be on the office premises and able to immediately respond to any request from the person administering the drug;

(c) The patient ((~~shall~~)) must be continuously observed while in the office under the influence of the drug;

(d) Any adverse reactions must be documented in the records;

(e) If a patient unintentionally enters into a moderate level of sedation, the patient must be returned to a level of minimal sedation as quickly as possible. While returning the patient to the minimal sedation level, periodic monitoring of pulse, respiration, and blood pressure must be maintained. In such cases, these same parameters must be taken and recorded at appropriate intervals throughout the procedure and vital signs and level of consciousness must be recorded during the sedation and prior to dismissal of the patient.

(3) Dental records must contain documentation in the chart of all agents administered, time administered, and dosage for minimal sedation.

(a) In the case of nitrous oxide sedation only "N₂O used" is required.

(b) Other inhalation agents require a dose record noting the time each concentration and agent was used.

(4) Continuing education: A dentist who administers minimal sedation to patients must participate in seven hours of continuing education or equivalent every five years.

(a) The education must include instruction in one or more of the following areas:

- (i) Sedation;
- (ii) Physiology;
- (iii) Pharmacology;
- (iv) Nitrous oxide analgesia;
- (v) Patient evaluation;
- (vi) Patient monitoring; and
- (vii) Medical emergencies(☺).

(b) In addition to education requirements in (a) of this subsection, the dentist must obtain health care provider basic life support (BLS) or advanced cardiac life support (ACLS) ((must be taken in addition to the continuing education requirement; however, these continuing education credit hours)) certification to renew the minimal sedation permit. Hourly credits earned from certification in BLS or ACLS courses may not be used to meet the education requirements in (a) of this subsection. However, the hourly credit hours earned in BLS or ACLS certification may be used to meet the renewal requirements ((for the dental)) of WAC 246-817-440 to renew the dentist license.

(5) A permit of authorization is not required.

AMENDATORY SECTION (Amending WSR 09-04-042, filed 1/30/09, effective 3/2/09)

WAC 246-817-760 Moderate sedation with parenteral agents. (1) Training requirements: To administer moderate sedation with parenteral agents, the dentist must have successfully completed a postdoctoral course(s) of sixty

clock hours or more which includes training in basic moderate sedation, physical evaluation, venipuncture, technical administration, recognition and management of complications and emergencies, monitoring, and supervised experience in providing moderate sedation to fifteen or more patients.

(2) In addition to meeting the ~~((above))~~ criteria in subsection (1) of this section, the dentist must also have a current and documented proficiency in advanced cardiac life support (ACLS) or pediatric advanced life support (PALS). One way to demonstrate such proficiency is to hold a valid and current ACLS, PALS certificate or equivalent.

(3) Procedures for administration of moderate sedation with parenteral agents by a dentist and an individual trained in monitoring sedated patients:

(a) In the treatment setting, a patient receiving moderate parenteral sedation must have that sedation administered by a person qualified under this chapter.

(b) A patient may not be left alone in a room and must be continually monitored by a dentist or trained anesthesia monitor.

(c) An intravenous infusion ~~((shall))~~ must be maintained during the administration of a parenteral agent.

(d) When the operative dentist is also the person administering the moderate sedation, the operative dentist must be continuously assisted by at least one individual experienced in monitoring sedated patients.

(e) In the treatment setting, a patient experiencing moderate sedation with parenteral agents ~~((shall have visual and tactile observation as well as continual monitoring of pulse, respiration, blood pressure and blood oxygen saturation. Unless prevented by the patient's physical or emotional condition, these vital sign parameters must be noted and recorded whenever possible prior to the procedure.))~~ must be visually and tactilely monitored by the dentist or an individual trained in monitoring sedated patients. Patient monitoring must include:

(i) Heart rate;

(ii) Blood pressure;

(iii) Respiration; and

(iv) Pulse oximetry.

(f) The patient's blood pressure and heart rate must be recorded every five minutes, pulse oximetry recorded every five minutes, and respiration rate must be recorded at least every fifteen minutes. In all cases these vital sign parameters must be noted and recorded at the conclusion of the procedure.

~~((f) Blood oxygen saturation must be continuously monitored and recorded at appropriate intervals.))~~

(g) The patient's level of consciousness ~~((shall))~~ must be recorded prior to the dismissal of the patient.

(h) Patient's receiving these forms of sedation must be accompanied by a responsible adult upon departure from the treatment facility.

(i) If a patient unintentionally enters a deeper level of sedation, the patient must be returned to a level of moderate sedation as quickly as possible. While returning the patient to the moderate level of sedation, periodic monitoring of pulse, respiration, blood pressure and continuous monitoring of oxygen saturation must be maintained. In such cases, these

same parameters must be taken and recorded at appropriate intervals throughout the procedure and vital signs and level of consciousness must be recorded during the sedation and prior to dismissal of the patient.

(4) Dental records must contain appropriate medical history and patient evaluation. ~~((Dosage and forms of medications dispensed shall be noted.))~~ Sedation records must be recorded during the procedure in a timely manner and must include:

(a) Blood pressure;

(b) Heart rate;

(c) Respiration;

(d) Pulse oximetry;

(e) Drugs administered including amounts and time administered;

(f) Length of procedure; and

(g) Any complications of sedation.

(5) Equipment and emergency medications: All offices in which moderate parenteral sedation is administered or prescribed must comply with the following equipment standards:

Office facilities and equipment shall include:

(a) Suction equipment capable of aspirating gastric contents from the mouth and pharynx;

(b) Portable oxygen delivery system including full face masks and a bag-valve-mask combination with appropriate connectors capable of delivering positive pressure, oxygen-enriched patient ventilation and oral and nasal pharyngeal airways of appropriate size;

(c) A blood pressure cuff (sphygmomanometer) of appropriate size and stethoscope; or equivalent monitoring devices;

(d) An emergency drug kit with minimum contents of:

(i) Sterile needles, syringes, and tourniquet;

(ii) Narcotic antagonist;

(iii) Alpha and beta adrenergic stimulant;

(iv) Vasopressor;

(v) Coronary vasodilator;

(vi) Antihistamine;

(vii) Parasympatholytic;

(viii) Intravenous fluids, tubing, and infusion set; and

(ix) Sedative antagonists for drugs used, if available.

(6) Continuing education: A dentist who administers moderate parenteral sedation must participate in eighteen hours of continuing education or equivalent every three years.

(a) The education must include instruction in one or more of the following areas:

(i) Venipuncture;

(ii) Intravenous sedation;

(iii) Physiology;

(iv) Pharmacology;

(v) Nitrous oxide analgesia;

(vi) Patient evaluation;

(vii) Patient monitoring; and

(viii) Medical emergencies.

(b) In addition to the education requirements in (a) of this subsection, the dentist must obtain health care provider basic life support (BLS), advanced cardiac life support (ACLS), or pediatric advanced life support (PALS) ~~((must be~~

~~taken in addition to the continuing education requirement, however, these continuing education credit hours)) certification to renew the moderate sedation with parenteral agents permit. Hourly credits earned from certification in BLS, ACLS, or PALS courses may not be used to meet the education requirements in (a) of this subsection to renew a moderate sedation with parenteral agents permit. However, the hourly credits earned in BLS, ACLS, or PALS certification may be used to meet the ((renewal)) requirements ((for the dental)) of WAC 246-817-440 to renew the dentist license.~~

(7) A permit of authorization is required. See WAC 246-817-774 for permitting requirements.

AMENDATORY SECTION (Amending WSR 09-04-042, filed 1/30/09, effective 3/2/09)

WAC 246-817-772 ((Training)) Requirements for anesthesia monitor. (1) ~~((In addition to those individuals necessary to assist the practitioner in performing the procedure, a trained individual must be present to monitor the patient's cardiac and respiratory functions.~~

~~(2))~~ (2) When the dentist is also administering the deep sedation or general anesthesia, one additional appropriately trained team member must be designated for patient monitoring.

~~((3))~~ (2) When deep sedation or general anesthesia is administered by a dedicated anesthesia provider, the anesthesia provider may serve as the monitoring personnel.

~~((4))~~ (3) The dentist cannot employ an individual to monitor patients receiving deep sedation or general anesthesia unless that individual has received a minimum of fourteen hours of documented training (such as national certification American Association of Oral and Maxillofacial Surgeons "AAOMS") in a course specifically designed to include instruction and practical experience in use of equipment to include, but not be limited to, the following equipment:

- (a) Sphygmomanometer; or a device able to measure blood pressure;
- (b) Pulse oximeter; or other respiratory monitoring equipment;
- (c) Electrocardiogram;
- (d) Bag-valve-mask resuscitation equipment;
- (e) Oral and nasopharyngeal airways;
- (f) Defibrillator; automatic external defibrillator.

~~((5))~~ (4) The course referred to in subsection ~~((4))~~ (3) of this section must also include instruction in:

- (a) Basic sciences;
- (b) Evaluation and preparation of patients with systemic diseases;
- (c) Anesthetic drugs and techniques;
- (d) Anesthesia equipment and monitoring; and
- (e) Office anesthesia emergencies.

AMENDATORY SECTION (Amending WSR 09-04-042, filed 1/30/09, effective 3/2/09)

WAC 246-817-755 Moderate sedation. (1) Training requirements: To administer moderate sedation the dentist must have completed a course containing a minimum of seven hours of a predoctoral dental school, postgraduate instruction, or continuing education (as defined in WAC 246-

817-440) in moderate sedation in addition to twenty-one hours for minimal sedation.

(2) Procedures for administration:

(a) Oral sedative agents can be administered in the treatment setting or prescribed for patient dosage prior to the appointment.

(b) A second individual must be on the office premises who can immediately respond to any request from the person administering the drug.

(c) The patient must be continuously observed while in the office under the influence of the drug.

(d) Any adverse reactions must be documented in the records.

(e) If a patient unintentionally enters a deeper level of sedation, the patient must be returned to a level of moderate sedation as quickly as possible. While returning the patient to the moderate level of sedation, periodic monitoring of pulse, respiration, and blood pressure and pulse oximetry must be maintained. In such cases, these same parameters must be taken and recorded at appropriate intervals throughout the procedure and vital signs and level of consciousness must be recorded during the sedation and prior to dismissal of the patient.

(f) Patients receiving these forms of sedation must be accompanied by a responsible adult upon departure from the treatment facility.

(3) Equipment and emergency medications: All offices must comply with the requirements listed in WAC 246-817-724. When a sedative drug is used that has a reversal agent, the reversal agent must be in the office emergency kit and the equipment to administer the reversal agent must be stored with the delivery device. Pulse oximetry equipment or equivalent respiratory monitoring equipment must be available in the office.

(4) Continuing education: A dentist who administers moderate sedation to patients must participate in seven hours of continuing education or equivalent every five years.

(a) The education must include instruction in one or more of the following areas:

- (i) Sedation;
- (ii) Physiology;
- (iii) Pharmacology;
- (iv) Nitrous oxide analgesia;
- (v) Patient evaluation;
- (vi) Patient monitoring ((✕)); and
- (vii) Medical emergencies.

(b) In addition to education requirements in (a) of this subsection, the dentist must obtain health care provider basic life support (BLS), advanced cardiac life support (ACLS), or pediatric advanced life support (PALS) ((must be taken in addition to the continuing education requirement, however, these continuing education credit hours)) certification to renew the moderate sedation permit. Hourly credits earned from certification in BLS, ACLS, or PALS courses may not be used to meet the education requirements in (a) of this subsection. However, the hourly credits earned in BLS, ACLS, or PALS certification may be used to meet the ((renewal)) requirements ((for the dental)) of WAC 246-817-440 to renew the dentist license.

(5) A permit of authorization is required. See WAC 246-817-774 for permitting requirements.

WSR 15-20-055
PROPOSED RULES
DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed September 30, 2015, 4:54 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-21-007.

Title of Rule and Other Identifying Information: WAC 246-840-125 and 246-840-202 through 246-840-207, retired active credential and nurse continuing competency. Reorder and renumber sections. Review, update, clarify, and modify existing standards; create exemptions for those seeking advanced nursing degrees; and incorporate new suicide prevention training requirements.

Hearing Location(s): CenterPoint Conference Center, 20425 72nd Avenue South, Kent, WA 98032, on November 13, 2015, at 2:30.

Date of Intended Adoption: November 13, 2015.

Submit Written Comments to: Teresa Corrado, Licensing Manager, P.O. Box 47864, Olympia, WA 98504, e-mail <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-4738, by November 2, 2015.

Assistance for Persons with Disabilities: Contact Bobbi Allison by November 2, 2015, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule creates an extension and changes the results of those who fail to meet continuing competency requirements, resulting in disciplinary action rather than completion of a refresher course. It also changes the time of audit to be prior to renewal rather than after. The sections are reordered and renumbered for improved readability. Definitions are updated. The updates establish audit exemptions for those nurses enrolled in an advanced nursing program beyond prelicensure. The rules implement suicide prevention legislation and deleted language regarding self-assessment and reflection as it is not enforceable.

Reasons Supporting Proposal: The proposed rules improve and clarify the audit process for better compliance and increase readability. They provide support to nurses furthering their nursing education and implement legislation for suicide prevention training. The proposal simplifies rules by removing nonenforceable requirements, improving consistency throughout the rules and giving due process for those failing to meet the continuing competency requirements.

Statutory Authority for Adoption: RCW 18.79.110 and 43.70.442.

Statute Being Implemented: RCW 18.79.110 and 43.70.-442.

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

Name of Proponent: Nursing care quality assurance commission, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Teresa Corrado, 111 Israel Road S.E., Tumwater, WA 98501, (360) 236-4708.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule would not impose more than minor costs on businesses in an industry.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Teresa Corrado, 111 Israel Road S.E., Tumwater, WA 98501, phone (360) 236-4708, fax (360) 236-4738, e-mail teresa.corrado@doh.wa.gov.

September 30, 2015

Paula R. Meyer, MSN, RN, FRE

Executive Director

Nursing Care Quality

Assurance Commission

AMENDATORY SECTION (Amending WSR 14-02-026, filed 12/20/13, effective 1/20/14)

WAC 246-840-125 Retired active credential. (1) A registered or licensed practical nurse may place their credential in "retired active" status by meeting the requirements of this section.

(2) A registered or licensed practical nurse who holds a retired active credential may only practice in intermittent or emergent circumstances.

(a) Intermittent means the registered or licensed practical nurse will practice no more than ninety days a year.

(b) Emergent means the registered or licensed practical nurse will practice only in emergency circumstances such as earthquakes, floods, times of declared war, or other states of emergency.

(3) To obtain a retired active credential a registered or a licensed practical nurse must:

(a) Meet the requirements in WAC 246-12-120.

(b) Pay the appropriate fee in WAC 246-840-990.

(4) To renew a retired active credential the registered nurse or licensed practical nurse must:

(a) Meet the requirements in WAC 246-12-130. The retired active credential fee is in WAC 246-840-990.

(b) Have completed forty-five hours of continuing nursing education every three years in compliance with WAC ~~((246-840-203-(1)(a)(iii)(A) through (F)))~~ 246-840-220 (2)(b). Education may include CPR and first aid.

(c) Demonstrate they have practiced at least ninety-six hours every three years. Practice may be paid or volunteer, but must require nursing knowledge or a nursing license.

(d) Renew their retired active credential every year on their birthday.

(5) To return to active status the registered or licensed practical nurse must:

(a) Meet the requirements in WAC 246-12-140. The active renewal fee is in WAC 246-840-990.

(b) Meet the continuing competency requirements in WAC ~~((246-840-205))~~ 246-840-230 (5)(d).

(6) A registered or licensed practical nurse who holds a retired active credential is subject to a continuing competency audit((-

~~(a) All late renewals and a percentage up to five percent of registered and licensed practical nurses renewing their license may be audited by the commission.~~

~~(b) A registered or practical nurse being audited will have thirty calendar days to complete and submit to the commission the audit form documenting at least ninety-six hours of active practice, and forty-five hours of continuing nursing education every three years. Active practice hours are not to exceed ninety days each year.~~

~~(c) To document practice hours and continuing nursing education a registered or licensed practical nurse shall comply with WAC 246-840-206 (4) and (5)) as outlined in WAC 246-840-220, 246-840-230, and 246-840-240.~~

NEW SECTION

WAC 246-840-200 Continuing competency purpose statement. Patients, families, and communities expect safe, competent, and compassionate nursing care. WAC 246-840-200 through 246-840-260 establish a self-directed continuing competency program which includes participation in active practice and continuing nursing education for registered nurses and licensed practical nurses as a mechanism to help keep patients safe and improve nursing practice.

NEW SECTION

WAC 246-840-210 Continuing competency definitions. The definitions in this section apply throughout WAC 246-840-200 through 246-840-260 unless the context clearly requires otherwise.

(1) **"Active nursing practice"** means engagement in paid, unpaid, or volunteer activity performing acts requiring substantial nursing knowledge, judgment, and skills described under RCW 18.79.040, 18.79.050, and 18.79.060. Active nursing practice may include, but is not limited to, working as an administrator, quality manager, policy officer, public health nurse, parish nurse, home health nurse, educator, consultant, regulator, and investigator or case manager.

(2) **"Advanced nursing degree"** means education preparation beyond one's initial education for nurse licensure.

(3) **"Attestation"** means the affirmation by signature of the nurse indicating compliance with the standards and terms of the continuing competency requirements.

(4) **"Compliance audit"** means a review of documents to determine whether the nurse has fulfilled the requirements in WAC 246-840-220 through 246-840-260.

(5) **"Continuing competency"** is the ongoing ability of a nurse to maintain, update and demonstrate sufficient knowledge, skills, judgment, and qualifications necessary to practice safely and ethically in a designated role and setting in accordance with the scope of nursing practice. A nurse achieves continuing competency through active practice and continuing nursing education.

(6) **"Continuing nursing education"** refers to systematic professional learning experiences obtained after initial licensure and designed to augment the knowledge, skills, and judgment of nurses and enrich nurses' contributions to quality health care and the pursuit of professional career goals, related to a nurse's area of professional practice, growth and development.

(7) **"Nurse"** means a registered nurse and licensed practical nurse.

(8) **"Review period"** is three full licensing renewal cycles. For purposes of a compliance audit, the review period will be the three years preceding the audit due date.

(9) **"Technical assistance"** means guidance provided by commission staff to help the nurse comply with laws and rules.

NEW SECTION

WAC 246-840-220 Continuing competency requirements—Active status. (1) At the end of the three-year continuing competency cycle, a nurse must attest on a form provided by the department of health declaring completion of the required active nursing practice hours and continuing nursing education hours.

(2) The nurse must complete, within each three-year review period:

(a) A minimum of five hundred thirty-one hours of active nursing practice; and

(b) A minimum of forty-five hours of continuing nursing education.

(3) A nurse will have a full three years to meet the requirements in subsections (1) and (2) of this section. The hours may be accumulated at any time throughout the three-year review period. The review period begins on the licensee's first birthday after receiving the initial license.

(4) Nurses must complete a qualified suicide prevention training as follows:

(a) Beginning January 1, 2016, registered nurses, except for registered nurses holding an active certified registered nurse anesthetist license, and licensed practical nurses must complete a one-time training in suicide assessment, treatment, and management from a qualified suicide prevention training program. The training must be completed by the end of the first full continuing competency reporting period after or during the first full continuing competency reporting period after initial licensure, whichever is later.

(b) Beginning July 1, 2017, a qualified suicide training program must be on the model list, required under RCW 43.70.442, to be accepted.

(c) A qualified suicide prevention training program must be an empirically supported training including assessment treatment and management, and must be at least six hours in length which may be provided in one or more sessions.

(d) The hours spent completing a qualified training program in suicide assessment, treatment, and management under this section counts toward continuing competency requirements in subsection (2)(b) of this section.

(5) Nurses who are enrolled in, or have completed prerequisite classes for, an advanced nursing education program are exempt from the continuing competency requirements during their current review period. A final transcript or transcript of classes documenting current progress towards an advanced degree will be required by the commission for approval of the exemption.

NEW SECTION

WAC 246-840-230 Continuing competency audit process and compliance. (1) The commission shall conduct a compliance audit:

(a) On all late renewals if continuing competency requirements under WAC 246-840-220(2) are due;

(b) Through random selection; and

(c) At the discretion of the commission, on nurses under the disciplinary process.

(2) The commission will notify a nurse selected for compliance audit at the address on record with the department. For a nurse selected randomly, notification will be sent with the renewal notice.

(3) The nurse must submit continuing education in clock hours.

(4) When the nurse is unable to document compliance with WAC 246-840-220, technical assistance may be provided.

(5) If the nurse is unable to provide the required documentation of compliance with WAC 246-840-220, the nurse may elect to:

(a) Place his or her license on inactive status as outlined in WAC 246-840-120;

(b) Let his or her license expire;

(c) Request an extension under WAC 246-840-240;

(d) Enter into an agreement, on a form provided by the commission, to complete a minimum of one hundred seventy-seven hours of active nursing practice and fifteen hours of continuing nursing education within one year. A compliance audit will be conducted at the end of the year to ensure compliance with the agreement.

(6) Failure to complete the required hours and provide the required documentation, or intentional deceit, fraud, or misconduct in reporting continuing competency may result in discipline for unprofessional conduct under RCW 18.130-180.

NEW SECTION

WAC 246-840-240 Extension. A nurse who does not meet continuing competency requirements in WAC 246-840-220 within the three-year audit review period may request an extension of up to one year to allow the nurse to complete the remaining hours. The commission will conduct an audit at the end of the extension period to ensure compliance. In order to qualify for an extension, a nurse must agree to complete the remaining practice and continuing education hours within one year or less. If the remaining active nursing practice hours and continuing nursing education hours are not completed within one year, the commission will refer the nurse for disciplinary action.

NEW SECTION

WAC 246-840-250 Continuing competency requirements—Reactivation from expired status. (1) All nurses applying for reactivation must meet the requirements of chapter 246-12 WAC, Part 2 and WAC 246-840-111.

(2) If a license is expired for more than one year, the nurse must provide evidence of five hundred thirty-one hours

of active nursing practice in any United States jurisdiction, and forty-five hours of continuing nursing education in the last three years.

(3) If the nurse cannot provide the evidence required in subsection (2) of this section, the nurse shall agree, on the form provided by the commission, to complete a minimum of one hundred seventy-seven hours of active nursing practice and fifteen hours of continuing nursing education within the first year following reactivation. The commission will conduct an audit at the end of the year to ensure compliance with the agreement.

(4) If the practice hours and continuing nursing education hours required in this section are not completed within one year of reactivation, the commission will refer the nurse for disciplinary action.

NEW SECTION

WAC 246-840-260 Continuing competency requirements—Reactivation from inactive status. (1) All nurses applying for reactivation must meet the requirements of chapter 246-12 WAC, Part 4 and WAC 246-840-120.

(2) If a license is inactive for more than one year, the nurse must provide evidence of five hundred thirty-one hours of active nursing practice in any United States jurisdiction, and forty-five hours of continuing nursing education in the last three years.

(3) If the licensee cannot provide the evidence required in subsection (2) of this section, the nurse shall agree, on a form provided by the commission, to complete a minimum of one hundred seventy-seven hours of active nursing practice and fifteen hours of continuing nursing education within the first year following reactivation. The commission will conduct an audit at the end of the year to ensure compliance with the agreement.

(4) If the active nursing practice hours and continuing nursing education hours required in this section are not completed within one year of reactivation, the commission will refer the nurse for disciplinary action.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-840-201	Continuing competency purpose statement.
WAC 246-840-202	Continuing competency definitions.
WAC 246-840-203	Continuing competency requirements—Active status.
WAC 246-840-204	Continuing competency requirements—Reactivation from expired status.
WAC 246-840-205	Continuing competency requirements—Reactivation from inactive status.
WAC 246-840-206	Continuing competency audit process and compliance.
WAC 246-840-207	Failure to meet continuing competency requirements.

WSR 15-20-068
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed October 2, 2015, 10:42 a.m.]

Supplemental Notice to WSR 15-07-062 [15-14-128].

Preproposal statement of inquiry was filed as WSR 15-07-062.

Title of Rule and Other Identifying Information: This proposed rule change amends, adds to, and repeals sections of chapter 392-172A WAC, Rules for the provision of special education, to address changes made to chapter 28A.155 RCW and RCW 28A.600.485 under SHB 1240 (effective July 24, 2015). Office of superintendent of public instruction (OSPI) is also proposing to amend WAC 392-172A-05125(4) so that this rule is consistent with federal language stated at 34 C.F.R. 300.518.

Hearing Location(s): OSPI, Brouillet Conference Room, Room 430, 4th Floor, 600 Washington Street S.E., Olympia, WA 98504, on November 12, 2015, at 1 p.m.

Date of Intended Adoption: November 16, 2015.

Submit Written Comments to: Douglas H. Gill, Assistant Superintendent, Special Education, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, Attn: Special Education Section, e-mail speced@k12.wa.us (please put "2015 Rulemaking" in the subject line), fax (360) 786-0247, by November 12, 2015.

Assistance for Persons with Disabilities: Contact Kristin Murphy by November 5, 2015, TTY (360) 786-0126 or (360) 725-6133.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to address changes made to chapter 28A.155 RCW and RCW 28A.600.485 under SHB 1240, which prohibits the planned use of aversive interventions and prohibits schools from physically restraining or isolating any student except when the student's behavior poses an imminent likelihood of serious harm to that student or another person. The proposed rule change is also in response to substantive comments received on or before August 13, 2015, regarding proposed rule changes initially filed in WSR 15-14-128. As a result of SHB 1240, and comments received regarding WSR 15-14-128, OSPI is proposing to repeal portions of the current regulations regarding the use of aversive interventions, add definitions consistent with SHB 1240, and to add rules specifying the limited circumstances and conditions in which isolation, restraint and restraint devices may be used. In addition, the purpose of the proposed changes is to amend WAC 392-172A-05125(4) regarding student placement when an administrative law judge orders a change in placement as a result of a hearing decision so that WAC 392-172A-05125(4) will be consistent with federal law.

Reasons Supporting Proposal: OSPI is required to make amendments to its special education regulations regarding the use of aversive interventions and address the limited conditions under which restraint and isolation may be used, due to the statutory changes to RCW 28A.155.020 and 28A.600.485, as a result of the passage of SHB 1240. In addition, the current language in WAC 392-172A-05125 is not consistent with federal rules addressing a student's stay put placement and requires clarification.

Statutory Authority for Adoption: RCW 28A.155.090.
 Statute Being Implemented: Chapter 28A.155 RCW and RCW 28A.600.485.

Rule is necessary because of federal law, 34 C.F.R. § 300.518.

Name of Proponent: OSPI, governmental.

Name of Agency Personnel Responsible for Drafting: Abigail Westbrook, Kasi Walker, Scott Raub, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6075; Implementation and Enforcement: Douglas H. Gill, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6075.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The joint administrative rules review committee has not requested the preparation of a small business economic impact statement. Section 1, chapter 201, Laws of 2012, applies only to rules proposed by the state board of education.

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

October 2, 2015

Randy Dorn
 State Superintendent
 of Public Instruction

NEW SECTION

WAC 392-172A-01031 Behavioral intervention plan.

A behavioral intervention plan is a plan incorporated into a student's IEP if determined necessary by the IEP team for the student to receive FAPE. The behavioral intervention plan describes:

- (1) The pattern of behavior(s) that impedes the student's learning or the learning of others;
- (2) The conditions or circumstances that contribute to the pattern of behavior(s) being addressed by the IEP team;
- (3) The positive behavior interventions and supports to:
 - (a) Reduce the pattern of behavior(s) that impedes the student's learning or the learning of others and increases the desired prosocial behaviors;
 - (b) Maximize consistency of the implementation of the positive behavior interventions across the student's school-sponsored instruction or activities.
- (4) The skills that will be taught and monitored as alternatives to challenging behavior(s) for a specific pattern of behavior of the student.

NEW SECTION

WAC 392-172A-01092 Imminent.

Imminent as defined in RCW 70.96B.010 means: The state or condition of being likely to occur at any moment or near at hand, rather than distant or remote.

NEW SECTION

WAC 392-172A-01107 Isolation.

Isolation as defined in RCW 28A.600.485 means: Restricting the student alone within a room or any other form of enclosure, from which the

student may not leave. It does not include a student's voluntary use of a quiet space for self-calming, or temporary removal of a student from his or her regular instructional area to an unlocked area for purposes of carrying out an appropriate positive behavior intervention plan.

NEW SECTION

WAC 392-172A-01109 Likelihood of serious harm.

Likelihood of serious harm as defined in RCW 70.96B.010 means:

(1) A substantial risk that:

(a) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide, or inflict physical harm on oneself;

(b) Physical harm will be inflicted by a person upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm; or

(c) Physical harm will be inflicted by a person upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or

(2) The person has threatened the physical safety of another and has a history of one or more violent acts.

NEW SECTION

WAC 392-172A-01142 Positive behavioral interventions. Positive behavioral interventions are strategies and instruction that can be implemented in a systematic manner in order to provide alternatives to challenging behaviors, reinforce desired behaviors, and reduce or eliminate the frequency and severity of challenging behaviors.

NEW SECTION

WAC 392-172A-01162 Restraint. Restraint as defined in RCW 28A.600.485 means: Physical intervention or force used to control a student, including the use of a restraint device to restrict a student's freedom of movement. It does not include appropriate use of a prescribed medical, orthopedic, or therapeutic device when used as intended, such as to achieve proper body position, balance, or alignment, or to permit a student to participate in activities safely.

NEW SECTION

WAC 392-172A-01163 Restraint device. Restraint device as defined in RCW 28A.600.485 means: A device used to assist in controlling a student including, but not limited to, metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, pepper spray, tasers, or batons. Restraint device does not mean a seat harness used to transport students safely. This section shall not be construed as encouraging the use of these devices. A restraint device does not include a seat harness used to transport a student safely or other safety devices, including safety belts for wheelchairs, changing tables, booster seats, and other ambulatory or therapeutic devices when used for the purpose intended for the safety of a student.

NEW SECTION

WAC 392-172A-02076 Prohibition of aversive interventions. (1) School district personnel are prohibited from using aversive interventions with a student eligible for special education, and are prohibited from physically restraining or isolating any student, except when the student's behavior poses an imminent likelihood of serious harm as defined in WAC 392-172A-01092 and 392-172A-01109.

(2) There are certain interventions that are manifestly inappropriate by reason of their offensive nature or their potential negative physical consequences, or their legality. The purpose of this section is to prohibit uniformly the use of certain interventions with students eligible for special education as follows:

(a) Electric current. No student may be stimulated by contact with electric current.

(b) Food services. A student who is willing to consume subsistence food or liquid when the food or liquid is customarily served must not be denied or subjected to an unreasonable delay in the provision of the food or liquid.

(c)(i) Force and restraint in general. A district must not use force or restraint that is either unreasonable under the circumstances or deemed to be an unreasonable form of corporal punishment as a matter of state law. See RCW 9A.16.100, which prohibits the following uses of force or restraint including:

(A) Throwing, kicking, burning, or cutting a student.

(B) Striking a student with a closed fist.

(C) Shaking a student under age three.

(D) Interfering with a student's breathing.

(E) Threatening a student with a deadly weapon.

(F) Doing any other act that is likely to cause bodily harm to a student greater than transient pain or minor temporary marks.

(ii) The statutory listing of worst case uses of force or restraint described in this subsection may not be read as implying that all unlisted uses (e.g., shaking a four year old) are permissible. Whether or not an unlisted use of force or restraint is permissible depends upon such considerations as the balance of these rules, and whether the use is reasonable under the circumstances.

(d) Hygiene care. A student must not be denied or subjected to an unreasonable delay in the provision of common hygiene care.

(e) Isolation. A student must not be excluded from his or her regular instructional or service area and isolated within a room or any other form of enclosure, except under the conditions set forth in WAC 392-172A-02110.

(f) Medication. A student must not be denied or subjected to an unreasonable delay in the provision of medication.

(g) Noise. A student must not be forced to listen to noise or sound that the student finds painful.

(h) Noxious sprays. A student must not be forced to smell or be sprayed in the face with a noxious or potentially harmful substance.

(i) Physical restraints. A student must not be physically restrained or immobilized by binding or otherwise attaching the student's limbs together or by binding or otherwise attach-

ing any part of the student's body to an object, except under the conditions set forth in WAC 392-172A-02110.

(j) Taste treatment. A student must not be forced to taste or ingest a substance which is not commonly consumed or which is not commonly consumed in its existing form or concentration.

(k) Water treatment. A student's head must not be partially or wholly submerged in water or any other liquid.

NEW SECTION

WAC 392-172A-02105 Emergency response protocols. (1) In the case of emergencies that pose an imminent likelihood of serious harm, as defined in this section, the parent and the school district may develop emergency response protocols. Emergency response protocols, if developed, must be incorporated into a student's IEP. Emergency response protocols shall not be used as a substitute for the systematic behavioral intervention plan that is designed to change, replace, modify, or eliminate a targeted behavior. Emergency response protocols are subject to the conditions and limitations as follows:

(a) The student's parent or guardian provides written agreement, in advance, to the emergency response protocols to be adopted;

(b) The emergency response protocols specify:

(i) The emergency conditions under which isolation, restraint, or restraint devices, if any, will be used;

(ii) The type of isolation, restraint, and/or restraint device, if any, that may be used;

(iii) The staff or contract positions permitted to use isolation, restraint, and/or restraint devices with the student and the required training, updated annually, for the staff or contracted position to use the isolation, restraint, and/or restraint device;

(iv) Any other special precautions that must be taken.

(c) Any use of isolation, restraint, and/or restraint device must be discontinued as soon as the likelihood of serious harm has dissipated.

(d) Any staff member or other adults using isolation, restraint, or a restraint device must be trained and certified in the use of isolation, restraint, or a restraint device.

(2) School districts must follow the documentation and reporting requirements for any use of isolation, restraint, or restraint device consistent with RCW 28A.600.485, regardless of whether the use of isolation, restraint, or restraint device is included in the student's emergency response protocols.

(3) Nothing in this section is intended to limit the application of a school district's policy developed under RCW 28A.600.485 to protect the general safety of students and staff from an imminent likelihood of serious harm.

NEW SECTION

WAC 392-172A-02110 Isolation and restraint—Conditions. Any use of isolation, restraint, and/or restraint device shall be used only when a student's behavior poses an imminent likelihood of serious harm. The limited use of isolation, restraint, or restraint device not prohibited in WAC 392-

172A-02076 is conditioned upon compliance with the following procedural and substantive safeguards:

(1) Isolation. The use of isolation as defined by RCW 28A.600.485 is subject to each of the following conditions:

(a) The isolation must be discontinued as soon as the likelihood of serious harm has dissipated.

(b) The isolation enclosure shall be ventilated, lighted, and temperature controlled from inside or outside for purposes of human occupancy.

(c) The isolation enclosure shall permit continuous visual monitoring of the student from outside the enclosure.

(d) An adult responsible for supervising the student shall remain in visual or auditory range of the student at all times.

(e) Either the student shall be capable of releasing himself or herself from the enclosure, or the student shall continuously remain within view of an adult responsible for supervising the student.

(f) Any staff member or other adults using isolation must be trained and certified in the use of isolation, or otherwise available in the case of an emergency when trained personnel are not immediately available due to the unforeseeable nature of the emergency.

(2) Restraint. The use of restraint as defined by RCW 28A.600.485 is subject to each of the following conditions:

(a) The restraint must be discontinued as soon as the likelihood of harm has dissipated.

(b) The restraint shall not interfere with the student's breathing.

(c) Any staff member or other adults using a restraint must be trained and certified in the use of such restraints, or otherwise available in the case of an emergency when trained personnel are not immediately available due to the unforeseeable nature of the emergency.

(3) Restraint device. The use of a restraint device as defined by RCW 28A.600.485 is subject to each of the following conditions:

(a) The restraint device must be discontinued as soon as the likelihood of harm has dissipated.

(b) The restraint device shall not interfere with the student's breathing.

(c) Either the student shall be capable of releasing himself or herself from the restraint device or the student shall continuously remain within view of an adult responsible for supervising the student.

(d) Any staff member or other adults using a restraint device must be trained and certified in the use of such restraint devices, or otherwise available in the case of an emergency when trained personnel are not immediately available due to the unforeseeable nature of the emergency.

(4) School districts must follow the documentation and reporting requirements for any use of isolation, restraint, or restraint device consistent with RCW 28A.600.485.

AMENDATORY SECTION (Amending WSR 07-14-078, filed 6/29/07, effective 7/30/07)

WAC 392-172A-03090 Definition of individualized education program. (1) The term IEP means a written statement for each student eligible for special education that is developed, reviewed, and revised in a meeting in accordance

with WAC 392-172A-03095 through 392-172A-03100, and that must include:

(a) A statement of the student's present levels of academic achievement and functional performance, including:

(i) How the student's disability affects the student's involvement and progress in the general education curriculum (the same curriculum as for nondisabled students); or

(ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

(b)(i) A statement of measurable annual goals, including academic and functional goals designed to:

(A) Meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general education curriculum; and

(B) Meet each of the student's other educational needs that result from the student's disability; and

(ii) For students who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives;

(c) A description of:

(i) How the district will measure the student's progress toward meeting the annual goals described in (b) of this subsection; and

(ii) When the district will provide periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards);

(d) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student:

(i) To advance appropriately toward attaining the annual goals;

(ii) To be involved in and make progress in the general education curriculum, and to participate in extracurricular and other nonacademic activities; and

(iii) To be educated and participate with other students including nondisabled students in the activities described in this section;

(e) An explanation of the extent, if any, to which the student will not participate with nondisabled students in the general education classroom and extracurricular and nonacademic activities;

(f)(i) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state and ~~((districtwide))~~ district-wide assessments; and

(ii) If the IEP team determines that the student must take an alternate assessment instead of a particular regular state or ~~((districtwide))~~ district-wide assessment of student achievement, a statement of why:

(A) The student cannot participate in the regular assessment; and

(B) The particular alternate assessment selected is appropriate for the student;

(g) Extended school year services, if determined necessary by the IEP team for the student to receive FAPE.

~~(h) ((Aversive interventions, if any, required for the student.~~

~~(i))~~ Behavioral intervention plan, if determined necessary by the IEP team for the student to receive FAPE.

(i) Emergency response protocols, if determined necessary by the IEP team for the student to receive FAPE, and the parent and the school district agree in writing.

(j) The projected date for the beginning of the services and modifications described in (d) of this subsection, and the anticipated frequency, location, and duration of those services and modifications.

~~((k))~~ (k) Beginning not later than the first IEP to be in effect when the student turns sixteen, or younger if determined appropriate by the IEP team, and updated annually, thereafter, the IEP must include:

(i) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and

(ii) The transition services including courses of study needed to assist the student in reaching those goals.

~~((l))~~ (l) Transfer of rights at age of majority. Beginning not later than one year before the student reaches the age of eighteen, the IEP must include a statement that the student has been informed of the student's rights under the act, if any, that will transfer to the student on reaching the age of majority.

(m) The school district's procedures for notifying a parent regarding the use of isolation, restraint, or a restraint device as required by RCW 28A.155.210.

(2) Construction. Nothing in this section shall be construed to require:

(a) Additional information be included in a student's IEP beyond what is explicitly required by the federal regulations implementing the act or by state law; or

(b) The IEP team to include information under one component of a student's IEP that is already contained under another component of the student's IEP.

AMENDATORY SECTION (Amending WSR 07-14-078, filed 6/29/07, effective 7/30/07)

WAC 392-172A-03110 Development, review, and revision of IEP. (1) In developing each student's IEP, the IEP team must consider:

(a) The strengths of the student;

(b) The concerns of the parents for enhancing the education of their student;

(c) The results of the initial or most recent evaluation of the student; and

(d) The academic, developmental, and functional needs of the student.

(2)(a) When considering special factors unique to a student, the IEP team must:

(i) Consider the use of positive behavioral interventions and supports, ~~((and other strategies,))~~ to address behavior, in the case of a student whose behavior impedes the student's learning or that of others; and

(ii) Consider the language needs of the student as those needs relate to the student's IEP, for a student with limited English proficiency;

(iii) In the case of a student who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student;

(iv) Consider the communication needs of the student, and in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode; and

(v) Consider whether the student needs assistive technology devices and services.

(b) A general education teacher of a student eligible for special education, as a member of the IEP team, must, to the extent appropriate, participate in the development of the student's IEP, including the determination of:

(i) Appropriate positive behavioral interventions and supports (~~and other strategies~~) for the student; and

(ii) Supplementary aids and services, program modifications, and support for school personnel consistent with WAC 392-172A-01185.

(c) After the annual IEP team meeting for a school year, the parent of a student eligible for special education and the school district may agree not to convene an IEP team meeting for the purposes of making changes to the IEP, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP the school district must ensure that the student's IEP team is informed of those changes and that other providers responsible for implementing the IEP are informed of any changes that affect their responsibility to the student, consistent with WAC 392-172A-03105(3).

(d) Changes to the IEP may be made either by the entire IEP team at an IEP team meeting, or as provided in (c) of this subsection, by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated.

(e) To the extent possible, the school districts must encourage the consolidation of reevaluation meetings and other IEP team meetings for the student.

(3) Each public agency must ensure that, subject to subsections (4) and (5) of this section the IEP team:

(a) Reviews the student's IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved; and

(b) Revises the IEP, as appropriate, to address:

(i) Any lack of expected progress toward the annual goals described in WAC 392-172A-03090 (1)(b) and in the general education curriculum, if appropriate;

(ii) The results of any reevaluations;

(ii) Information about the student provided to, or by, the parents, as described under WAC 392-172A-03025;

(iv) The student's anticipated needs; or

(v) Other matters.

(4) In conducting a review of the student's IEP, the IEP team must consider the special factors described in subsection (2)(a) of this section. ~~((In the case of a student whose behavior continues to impede the progress of the student or others despite the use of positive behavioral support strategies: Consider the need for aversive interventions only as a last resort, if positive behavior supports have been used in accordance with the student's IEP, the use of positive behavior supports has been documented to be ineffective, and the IEP team, consistent with WAC 392-172A-03120 through 392-172A-03135 determines that an aversive intervention plan is necessary for the student.))~~

(5) A general education teacher of the student, as a member of the IEP team, must, consistent with subsection (2)(b) of this section, participate in the review and revision of the IEP of the student.

(6)(a) If a participating agency, other than the school district, fails to provide the transition services described in the IEP in accordance with WAC 392-172A-03090 (1)(j), the school district must reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.

(b) Nothing in this chapter relieves any participating agency, including a state vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students eligible for special education services who meet the eligibility criteria of that agency.

(7)(a) The following requirements do not apply to students eligible for special education who are convicted as adults under state law and incarcerated in adult prisons:

(i) The requirement that students eligible for special education participate in district or statewide assessments.

(ii) The requirements related to transition planning and transition services, if the student's eligibility for special education services will end because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.

(b)(i) Subject to (b)(ii) of this subsection, the IEP team of a student with a disability who is convicted as an adult under state law and incarcerated in an adult prison may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

(ii) Contents of the IEP and LRE (least restrictive environment) requirements do not apply with respect to the modifications described in (b)(i) of this subsection.

AMENDATORY SECTION (Amending WSR 13-20-034, filed 9/24/13, effective 10/25/13)

WAC 392-172A-05110 Timelines and convenience of hearings. (1) Not later than forty-five days after the expiration of the thirty day resolution period, or the adjusted time periods described in WAC 392-172A-05090(3):

(a) A final decision shall be reached in the hearing; and

(b) A copy of the decision shall be mailed to each of the parties.

(2) Reconsideration of the decision under RCW ((34.05.070)) 34.05.470 is not allowed under Part B of the act due to the timelines for issuing a final decision.

(3) An administrative law judge may grant specific extensions of time beyond the period in subsection (1) of this section at the request of either party.

(4) Each due process hearing must be conducted at a time and place that is reasonably convenient to the parents and student involved.

AMENDATORY SECTION (Amending WSR 07-14-078, filed 6/29/07, effective 7/30/07)

WAC 392-172A-05125 Student's status during proceedings. (1) Except for due process hearings involving special education discipline procedures, during the pendency of any administrative hearing or judicial proceeding regarding the due process hearing proceedings, the student involved in the hearing request must remain in his or her current educational placement, unless the school district and the parents of the child agree otherwise.

(2) If the hearing request involves an application for initial admission to public school, the student, with the consent of the parents, must be placed in the public school until the completion of all the proceedings.

(3) If the hearing request involves an application for initial Part B services for a child who is transitioning from Part C of the act to Part B and is no longer eligible for Part C services because the child has turned three, the school district is not required to provide the Part C services that the child had been receiving. If the student is found eligible for special education and related services and the parent consents to the initial provision of special education and related services, then the school district must provide those special education and related services that are not in dispute between the parent and the school district.

(4) If the administrative law judge agrees with the student's parents that a change of placement is appropriate ((through the final decision or during the pendency of the due process hearing)), that placement must be treated as an agreement between the school district and the parents for purposes of subsection (1) of this section.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 392-172A-03120 Aversive interventions definition and purpose.
- WAC 392-172A-03125 Aversive intervention prohibitions.
- WAC 392-172A-03130 Aversive interventions—Conditions.
- WAC 392-172A-03135 Aversive interventions—Individualized education program requirements.

WSR 15-20-070

PROPOSED RULES DEPARTMENT OF EARLY LEARNING

[Filed October 2, 2015, 11:38 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-16-046.

Title of Rule and Other Identifying Information: WAC 170-100-030 Definitions and 170-100-040 Process for allocating or awarding funds.

Hearing Location(s): Mount Vernon Department of Early Learning (DEL) Office, Swinomish Channel Room, 900 East College Way, Suite 100, Mount Vernon, WA 98273, on November 10, 2015, at 1 p.m.; and at the Bellevue Library, Room 4, 1111 110th Avenue N.E., Bellevue, WA 98004, on November 10, 2015, at 7 p.m.

Date of Intended Adoption: Not earlier than November 10, 2015.

Submit Written Comments to: Rules Coordinator, DEL, P.O. Box 40970, Olympia, WA 98504-0970, e-mail rules@del.wa.gov, fax (360) 725-4925, by November 10, 2015.

Assistance for Persons with Disabilities: Contact DEL rules coordinator by November 2, 2015, (360) 725-4670.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of these proposed rules is to remove the term "nonsectarian" from the listed sections and to further elaborate on the types of organizations that can participate in the early childhood education and assistance program (ECEAP).

Reasons Supporting Proposal: The Early Start Act made statutory changes to ECEAP, specifically removing the word "nonsectarian" from RCW 43.215.415 and 43.215.430. All organizations can now participate in ECEAP so long as the organization's program is free from religious instruction, activities or symbolism. The proposed rules will remove the "nonsectarian" term as well and elaborate on the types of organizations that can participate in ECEAP.

Statutory Authority for Adoption: RCW 43.215.070, chapter 43.215 RCW.

Statute Being Implemented: 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: Nicole Rose, Assistant Director for QPPG, DEL State Office, P.O. Box 40970, Olympia, WA 98504, (360) 725-4665; Implementation and Enforcement: DEL licensing offices, statewide.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules are not expected to impose new costs on businesses that are required to comply. If the rules result in costs, those costs are not expected to be "more than minor" as defined in chapter 19.85 RCW.

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.

October 2, 2014 [2015]
 Ross Hunter
 Director

AMENDATORY SECTION (Amending WSR 07-20-034, filed 9/25/07, effective 10/26/07)

WAC 170-100-030 Definitions. (1) "Contractor" means a ((nonsectarian)) public or private organization that contracts with the department of early learning to provide local early childhood education and assistance services.

(2) "Department" means the department of early learning.

(3) "Director" means the director of the department of early learning.

AMENDATORY SECTION (Amending WSR 06-18-085, filed 9/5/06, effective 9/5/06)

WAC 170-100-040 Process for allocating or awarding funds. (1) Public or private ((nonsectarian)) organizations are eligible to apply for funding as early childhood education and assistance programs. These organizations may include, but are not limited to, school districts, educational service districts, community and technical colleges, local governments, nonprofit organizations, for-profit organizations, and sectarian organizations providing that the early childhood education and assistance program is free from religious instruction, activities, or symbolism.

(2) Funds shall be awarded on a competitive basis or allocated by the department, consistent with the amount allocated by the legislature.

(3) An applicant must use the application procedures established by the department.

(4) Successful applicants will be awarded a contract with the department. This contract must be signed by an official with authority to bind the recipient.

WSR 15-20-073
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed October 2, 2015, 2:11 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-07-105 on March 18, 2015.

Title of Rule and Other Identifying Information: Rules for recreational marine and freshwater fishing: WAC 220-55-220 Two-pole endorsement, 220-56-210 Fly fishing, 220-56-282 Sturgeon—Areas, seasons, limits and unlawful acts, 220-56-510 Game fish possession limits and size limits, 220-310-175 Freshwater exceptions to statewide rules—General rules, 220-310-180 Freshwater exceptions to statewide rules—Coast, 220-310-185 Freshwater exceptions to statewide rules—Southwest, 220-310-190 Freshwater exceptions to statewide rules—Puget Sound, 220-310-195 Freshwater exceptions to statewide rules—Eastside, and 220-310-200 Freshwater exceptions to statewide rules—Columbia.

Hearing Location(s): Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA 98501, on November 13-14, 2015, at 8:30 a.m.

Date of Intended Adoption: On or after December 11, 2015.

Submit Written Comments to: Charmane Ashbrook, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Charmane.Ashbrook@dfw.wa.gov, fax (360) 586-0739, by November 4, 2015.

Assistance for Persons with Disabilities: Contact Tami Lininger by November 4, 2015, TTY (800) 833-6388 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department makes adjustments to recreational fishing rules annually to maximize conservation and recreational fishing opportunity. This proposal includes changes to freshwater recreational fishing regulations, focusing on the Puget Sound and coast. The department also proposes technical changes to clarify, correct, and update language as part of this rule making.

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 changes in fish and shellfish populations. 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/2016-2017/.

Dates related to these proposed rules:

November 4, 2015: Deadline for the public to submit written comments on the rules.

December 11-12, 2015: The department will ask the fish and wildlife commission to adopt the rule changes at the December commission meeting.

Name of Proponent: Washington department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting: Charmane Ashbrook, 1111 Washington Street, Olympia, WA 98501, (360) 791-0707; Implementation: Guy Norman, 1111 Washington Street, Olympia, WA 98501, (360) 902-2736; and Enforcement: Steve Crown, Chief, 1111 Washington Street, Olympia, WA 98501, (360) 902-2373.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule amendments do not affect small business; i.e., there is no direct regulation of small business. The rules apply to recreational fishers.

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

October 2, 2015
 Joanna M. Eide
 Rules Coordinator

Water Body	County	
Lake Washington Ship Canal	King	(Including Lake Union, Portage Bay, and Salmon Bay) Waters east of a north-south line 400' west of the Chittenden Locks to the Montlake Bridge.
Mill Pond	King	Auburn.
Old Fishing Hole Pond	King	Kent.
Portage Bay	King	
Salmon Bay	King	
Swans Mill Pond	King	
Koeneman Lake	Kitsap	Formerly Fern Lake.
Kachess Lake	Kittitas	
Keechelus Lake	Kittitas	
Kiwanis Pond	Kittitas	
Naneum Pond	Kittitas	
Cowlitz Falls Reservoir	Lewis	
Mayfield Lake	Lewis	Mayfield Dam to Mossyrock Dam.
Packwood Lake	Lewis	
Scanewa Lake	Lewis	Cowlitz Falls Reservoir.
Walupt Lake	Lewis	
Willame Lake	Lewis	
Cady Lake	Mason	
Cushman Reservoir	Mason	
Prices Lake	Mason	
Stump Lake	Mason	
Silvernail Lake	Okanogan	
Cases Pond	Pacific	
South Bend Mill Pond	Pacific	
Bradley Lake	Pierce	
De Coursey Pond	Pierce	
Ohop Lake	Pierce	
Tanwax Lake	Pierce	
Wapato Lake	Pierce	
Granite Lakes	Skagit	Near Marblemount.
Northern State Hospital Pond	Skagit	
(Pass Lake	Skagit	
Vogler Lake	Skagit	
Drano Lake	Skamania	January 1 through April 30 and July 1 through September 30.
Swift Reservoir	Skamania	From dam to Eagle Cliff Bridge.
Ebey Lake	Snohomish	Little Lake.
Fortson Mill Pond #2	Snohomish	
Jennings Park Pond	Snohomish	
Monte Cristo Lake	Snohomish	
North Gissburg Pond	Snohomish	

AMENDATORY SECTION (Amending WSR 15-13-081, filed 6/12/15, effective 7/13/15)

WAC 220-55-220 Two-pole endorsement. Anglers who possess a valid two-pole endorsement may fish with two lines in all lakes and ponds open to fishing, with the following exceptions:

Water Body	County	
Para-juvenile Lake	Adams	
Headgate Pond	Asotin	
Columbia Park Pond	Benton	
Blackbird Island Pond	Chelan	
Aldwell Lake	Clallam	
Beaver Lake	Clallam	
Carrie Blake Pond	Clallam	
Dickey Lake	Clallam	
Lake Pleasant	Clallam	
Lincoln Pond	Clallam	
Sutherland Lake	Clallam	
Vancouver Lake	Clark	Includes all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River.
Big Four Lake	Columbia	
Dayton Pond	Columbia	
Blue Lake	Cowlitz	
Castle Lake	Cowlitz	
Coldwater Lake	Cowlitz	
Lewis River Power Canal	Cowlitz	Includes old Lewis River streambed between Swift No. 1 powerhouse and Swift No. 2 powerhouse.
Merrill Lake	Cowlitz	
Silver Lake	Cowlitz	
Pit Lake	Douglas	
Ping Pond	Grant	
Mill Creek Pond	Grays Harbor	
Quigg Lake	Grays Harbor	Located at Friends Landing near Montesano.
Vance Creek Pond #1	Grays Harbor	
Gibbs Lake	Jefferson	
Horseshoe Lake	Jefferson	
Teal Lake	Jefferson	
Lake Sammamish	King	
Lake Union	King	
Lake Washington	King	Including that portion of Sammamish River from 68th Ave. NE bridge downstream.

Water Body	County	River	County	Section
Spada Lake	Snohomish			From Highway 173 Bridge at Brewster to Chief Joseph Dam: July 1 through August 31.
Bear Lake	Spokane			
North Silver Lake	Spokane			
Lucky Duck Pond	Stevens	Cowlitz	Lewis	Lexington Bridge Drive in Kelso upstream to the barrier dam.
Long's Pond	Thurston			
Munn Lake	Thurston			
Jefferson Park Pond	Walla Walla	Lewis	Clark	From railroad bridge near Kuhn's Road to mouth of East Fork Lewis.
Lions Park Pond	Walla Walla			College Place.
Diablo Lake	Whatcom	North Fork Lewis	Clark/Cowlitz	Mouth to Johnson Creek.
Gorge Lake	Whatcom			
Lake Whatcom	Whatcom	Naselle	Pacific/Wahkiakum	From Highway 101 Bridge to Highway 401: August 1 through January 31.
Ross Lake	Whatcom			
Squalicum Lake	Whatcom			
Garfield Juvenile Pond	Whitman	Okanogan	Okanogan	July 1 through October 15.
Clear Lake	Yakima	Pend Oreille	Pend Oreille	
Leech Lake	Yakima	Palouse	Whitman	Mouth to base of Palouse Falls: June 16 through August 31.
Mud Lake	Yakima			
Myron Lake	Yakima	Spokane	Spokane and Stevens	Lower Spokane River from mouth (SR 25 bridge) to 400' below Little Falls Dam.
Sarge Hubbard Park Pond	Yakima			
Yakima Sportsmen's Park Ponds	Yakima	Willapa	Pacific	From the city of South Bend boat launch to the 2nd bridge on Camp One Road: August 1 through January 31.

Anglers who possess a valid two-pole endorsement may fish with two lines in the following river sections:

River	County	Section	River	County	Section
Chehalis	Grays Harbor	From Highway 101 Bridge in Aberdeen to South Elma Bridge (Wakefield Road): July 1 through November 30.	Wind	Skamania	Salmon and steelhead: Mouth (boundary line/markers) to the Highway 14 Bridge: May 1 through June 30.
Columbia		Camas Slough: August 1 through December 31. From Highway 395 Bridge at Pasco to Old Hanford townsite wooden power-line towers: Year-round, except for sturgeon. From wooden powerline towers to Vernita Bridge: February 1 through October 22, except for sturgeon. From Vernita Bridge to Priest Rapids Dam: Year-round, except for sturgeon. From Priest Rapids Dam to Wanapum Dam: July 1 through August 31. From Wanapum Dam to Wells Dam: July 1 through August 31. From Wells Dam to Highway 173 Bridge at Brewster: July 16 through August 31.	Yakima	Yakima	From Highway 240 Bridge to 400' below Prosser Dam: March 1 through August 31.

Anglers who possess a valid two-pole endorsement may fish for salmon with two lines in the following marine areas:

Description	Marine Area
Willapa	2-1. East of a line from Cape Shoalwater to Leadbetter Point.
Port Susan and Port Gardner	Tulalip Terminal Area: May 1 through September 30.
Seattle/Bremerton Area	Sinclair Inlet: July 1 through September 30.
South Puget Sound	13.

AMENDATORY SECTION (Amending WSR 15-06-065 and 15-06-006, filed 3/4/15 and 2/20/15, effective 7/1/15)

WAC 220-56-210 Fly fishing. (1) It is unlawful to fish in waters restricted to "fly fishing only" with the use of:

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

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

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

(e) Bait.

(f) Weight attached to the leader or line.

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

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

(b) It is unlawful to possess fish taken with gear in violation of the provisions of this section. Possession of fish while using gear in violation of the provisions of this section is a rebuttable presumption that the fish were taken with such gear. Possession of such fish is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the fish are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

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

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

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

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

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

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

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

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

AMENDATORY SECTION (Amending WSR 15-13-081, filed 6/12/15, effective 7/13/15)

WAC 220-56-282 Sturgeon—Areas, seasons, limits and unlawful acts. (1) It is unlawful to retain green sturgeon.

(2) The following limits and requirements apply in areas where it is permissible to catch sturgeon for release or retention:

(a) It is unlawful to fish for sturgeon with terminal gear other than bait and one single-point barbless hook.

(b) It is unlawful to fail to release undersize or oversize sturgeon immediately.

(c) It is permissible to use artificial scent with bait when fishing for white sturgeon.

(d) It is unlawful to use a gaff or other body-penetrating device while restraining, handling, or landing a sturgeon.

(e) It is unlawful to fish for or possess sturgeon from freshwater, except the Chehalis River, from one hour after official sunset to one hour before official sunrise.

(3) It is permissible to catch and release white sturgeon in saltwater waterways year-round. However, for freshwater waterways, including freshwater Puget Sound tributaries except the Snohomish River, it is permissible to catch and release white sturgeon only when the season is open for salmon or game fish ~~((, unless otherwise provided))~~.

(4) It is permissible to catch and release, but unlawful to retain, white sturgeon in the following areas:

(a) Coastal waters and tributaries of coastal waters;

(b) Puget Sound waters and tributaries of Puget Sound;

(c) Vancouver Lake and all other waters west of Burlington Northern Railroad from the Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County);

(d) Columbia River and tributaries from a true north-south line through Buoy 10 (the mouth) upstream to Chief Joseph Dam, unless otherwise provided; and

(e) Snake River and tributaries from the mouth upstream to the border with Oregon, unless otherwise provided.

(5) White sturgeon retention is allowed in the areas open to fishing and following rules as specified in WAC 220-310-200:

(a) Columbia River:

(i) Columbia River and tributaries from Bonneville Dam upstream to McNary Dam: January 1 through July 31.

(ii) Columbia River and tributaries from McNary Dam upstream to Priest Rapids Dam: February 1 through July 31.

(b) Snake River: From the Snake River mouth (also called the Snake River Confluence Protection Area) upstream to Ice Harbor Dam: February 1 through July 31.

(6) The following waters are closed to fishing for sturgeon:

(a) Columbia River:

(i) Mouth to Bonneville Dam:

(A) Year-round from Bonneville Dam downstream to a boundary marker on the Washington shore approximately 4,000 feet below the fish ladder at the powerhouse, south to the downstream end of Cascade Island, and across to the Oregon angling boundary on Bradford Island (the Cascade Island-Bradford Island line).

(B) May 1 through August 31 from Bonneville Dam downstream 9 miles to a line crossing the Columbia River from navigation marker 82 on the Oregon shore, westerly to the boundary marker on the Washington shore upstream of Fir Point (navigational marker 82 line).

(ii) Bonneville Dam to McNary Dam:

(A) May 1 through July 31 from The Dalles Dam downstream 1.8 miles to a line from the east (upstream) dock at the Port of The Dalles boat ramp straight across to a marker on the Washington shore.

(B) May 1 through July 31 from John Day Dam downstream 2.4 miles to a line crossing the Columbia at a right angle to the thread of the river from the west end of the grain silo at Rufus, Oregon.

(C) May 1 through July 31 from McNary Dam downstream to the Highway 82 (395) Bridge.

(iii) McNary Dam to Priest Rapids Dam:

(A) May 1 through July 31 from Priest Rapids Dam downstream 2.5 miles to the boundary marker on the river bank 400 feet downstream from Priest Rapids Hatchery outlet channel (Jackson Creek).

(B) October 23 through January 31 from the Old Hanford townsite wooden power line towers to Vernita Bridge.

(iv) Chief Joseph Dam upstream:

(A) Columbia River and its tributaries.

(B) Roosevelt Lake and its tributaries.

(b) Snake River Mouth to Ice Harbor Dam: May 1 through July 31 from the downstream end of Goose Island upstream 1.5 miles to Ice Harbor Dam.

(7) The following limits and requirements apply in areas where it is permissible to retain sturgeon:

(a) The daily limit is one white sturgeon.

(b) The possession limit is two daily limits of fresh, frozen, or processed white sturgeon.

(c) The annual personal-use limit for white sturgeon from April 1 through March 31 is two fish, regardless of where the angler takes the sturgeon.

(d) The maximum fork-length is 54 inches.

(e) The minimum fork-length is 38 inches, except the minimum fork-length is 43 inches in:

(i) The mainstem Columbia and its tributaries from The Dalles Dam to Priest Rapids Dam; and

(ii) The Snake River from the Snake River Confluence Protection Area to Ice Harbor Dam.

(f) Once an angler reaches his or her annual limit of white sturgeon, he or she may continue to fish for white sturgeon in the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington, unless otherwise provided by department rule, so long as the angler releases all subsequent sturgeon immediately.

(g) It is unlawful to possess sturgeon eggs in the field without retaining the intact carcass of the fish from which the eggs have been removed.

(8) A violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested sturgeon. If the person has harvested sturgeon, the violation is punishable under RCW 77.15.380((7)) Unlawful recreational fishing in the second degree—Penalty, unless the sturgeon are taken in the amounts or manner to constitute a violation of RCW 77.15.370((7)) Unlawful recreational fishing in the first degree—Penalty.

(9) It is unlawful to possess sturgeon taken with gear in violation of the provisions of this section. Possession of sturgeon while using gear in violation of the provisions of this section is a rebuttable presumption that the sturgeon were taken with such gear. Possession of such sturgeon is punishable under RCW 77.15.380((7)) Unlawful recreational fishing in the second degree—Penalty, unless the sturgeon are taken in the amounts or manner to constitute a violation of RCW 77.15.370((7)) Unlawful recreational fishing in the first degree—Penalty.

AMENDATORY SECTION (Amending WSR 15-06-065 and 15-06-006, filed 3/4/15 and 2/20/15, effective 7/1/15)

WAC 220-56-510 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 220-310-175 through 220-310-200.

(1) Daily game fish possession and size limits:

((Species)) Species	((Daily limit)) Daily limit	((Size limits)) Size limits
Largemouth Bass	5	Release bass 12 to 17 inches in length. Not more than 1 largemouth bass 17 inches in length or greater may be retained.
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.
Channel catfish	5	No size restriction.
Eastern brook trout	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.	No size restriction.

((Species)) Species	((Daily limit)) Daily limit	((Size limits)) Size limits
	<u>No daily limit for streams listed in WAC 220-310-180 and 220-310-190, unless otherwise provided in those rules.</u>	
Grass carp	Unlawful to retain.	Not applicable.
Tiger Muske-lunge	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. The daily trout limit is 5 trout, regardless of origin, of which not more than 2 may be steelhead.	No size restriction. 8-inch minimum size.
Walleye	8	12-inch minimum size. Not more than 1 walleye greater than 22 inches in length may be retained.
Whitefish	15	No size restriction.
All other game fish	No limit.	No size restriction.

(2) Possession limit: The game fish possession limit in the field 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 220-310-175 through 220-310-200, it is unlawful to retain wild steelhead, Dolly Varden, or bull trout.

(4) Wild steelhead license year limit: From waters in which wild steelhead may be taken as provided for in WAC 220-310-175 through 220-310-200, the license year limit is one wild steelhead.

(5) 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.

AMENDATORY SECTION (Amending WSR 15-13-081, filed 6/12/15, effective 7/13/15)

WAC 220-310-175 Freshwater exceptions to state-wide rules—General rules. The following provisions and definitions apply to this section through WAC 220-310-200.

(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) 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) It is permissible to retain up to two hatchery steelhead in waters where the season is open for game fish or salmon in WAC 220-310-180 and 220-310-190, unless explicitly listed as closed to hatchery steelhead in WAC 220-310-180 and 220-310-190.

(7) 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).

~~((7))~~ (8) "Lead jig" means a lure consisting of a hook permanently or temporarily attached directly to a lead weight by any method.

~~((8))~~ (9) "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.

~~((9))~~ (10) "Unmarked salmon" means salmon without either a clipped ventral fin or a clipped adipose fin as evidenced by a healed scar.

~~((10))~~ (11) 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.

~~((11))~~ (12)(a) A violation of this section through WAC 220-310-200 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.

~~((12))~~ (b) 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(2) 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(2) Unlawful recreational fishing in the first degree—Penalty.

~~((12))~~ (13) For sturgeon fishing rules, see WAC 220-56-282(2) Sturgeon—Areas, seasons, limits and unlawful acts.

AMENDATORY SECTION (Amending WSR 15-17-010, filed 8/6/15, effective 9/6/15)

WAC 220-310-180 Freshwater exceptions to state-wide 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):**

~~(a) ((Open the fourth Saturday in April through October 31; fishing))~~ It is unlawful to fish from a floating device equipped with an internal combustion motor (~~(prohibited)~~).

(b) Open September 1 through October 31:

(i) Selective gear rules apply.

(ii) Trout: Catch and release only.

(4) **Bear Creek (Clallam County) (Bogachiel River tributary):**

(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.

(5) **Bear Creek (Clallam County) (Sol Duc River tributary):**

(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.

(6) **Bear River (Pacific County):**

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

~~(b)~~ Open the first Saturday in June through March 31.

~~((b))~~ (c) August 16 through November 30: Night closure in effect.

(i) From the mouth (Highway 101 Bridge) to Lime Quarry Road (approximately two river miles):

(A) August 16 through November 30:

(I) Barbless hooks required.

(II) Anti-snagging rule applies.

(B) Release all fish, except anglers may retain up to 2 hatchery steelhead.

(C) Salmon:

(I) Open September 1 through January 31.

(II) Limit 6 fish; only 4 may be adults.

(III) Release wild Chinook.

(ii) From the Lime Quarry Road upstream to the Longview Fiber Bridge:

(A) Selective gear rules apply.

(B) Release all fish, except anglers may retain up to 2 hatchery steelhead.

(7) **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) 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.

(b) From Beaver Falls upstream to Beaver Lake: Open the first Saturday in June through October 31.

(8) **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) ((**Big Quileene River (Jefferson County):**~~

~~(a) From the mouth to Rodgers Street:~~

~~(i) Open the first Saturday in June through August 15-~~

~~(ii) Selective gear rules apply.~~

~~(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(iv) Catch and release only.~~

~~(b) From Rodgers Street to the Highway 101 Bridge:~~

~~(i) Open the first Saturday in June through October 31.~~

~~(ii) Catch and release only.~~

~~(iii) From the first Saturday in June through August 15-~~

~~(A) Selective gear rules apply.~~

~~(B) It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(iv) August 16 through October 31:~~

~~(A) Night closure in effect.~~

~~(B) Single-point barbless hooks are required.~~

~~(v) Salmon:~~

~~(A) Open August 16 through October 31.~~

~~(B) Limit 4 coho only; only coho hooked inside the mouth may be retained.~~

~~(c) From the electric weir at Quileene 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.~~

~~((11))~~ **Big River (Clallam County), outside of Olympic National Park:**

(a) It is permissible to retain hatchery steelhead while fishing for other fish.

(b) Open the first Saturday in June through October 15, and January 1 through the last day of February.

~~((b))~~ (c) Selective gear rules apply.

~~((e))~~ (d) It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((f))~~ (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.

~~((12))~~ (11) **Black Creek (Grays Harbor County) (Wynoochee River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((13))~~ (12) **Black Lake (Pacific County):** Open the fourth Saturday in April through October 31.

~~((14))~~ (13) **Black River (Grays Harbor/Thurston counties):**

(a) It is permissible to retain hatchery steelhead while fishing for other fish.

(b) From the mouth to State Highway 12:

(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.

~~((b))~~ (c) 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.

(v) Salmon open October 1 through January 31:

(A) From October 1 through November 30:

(I) Limit 6; only 2 adults may be retained.

(II) Release Chinook and chum.

(B) From December 1 through January 31:

(I) Limit 6; only 2 adults may be retained and only one may be a wild adult coho.

(II) Release Chinook and chum.

~~((e))~~ (d) From bridge on 128th Avenue S.W. (west of Littlerock) to Black Lake:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

~~((15))~~ (14) **Bogachiel River (Clallam County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(c) Selective gear rules apply.

(d) It is unlawful to retain wild steelhead.

(e) From the mouth to Highway 101 Bridge:

(i) Open the first Saturday in June through April 30.

(ii) Trout:

(A) From the first Saturday in June 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 minimum length 14 inches.

(C) November 1 through last day in February: The limit may include one additional hatchery steelhead.

~~((D)) February 16 through April 30: It is permissible to retain wild steelhead.)~~

(iii) 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 6; only one adult may be retained.

~~((b))~~ (f) From Highway 101 Bridge to Olympic National Park boundary:

(i) Open the first Saturday in June through April 30.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Selective gear rules apply.

(iv) 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.

~~((16))~~ (15) **Bone River (Pacific County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((17))~~ (16) **Bunker Creek (Lewis County) (Chehalis River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((18))~~ (17) **Butte Creek (Pacific County) (Smith River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((19))~~ (18) **Calawah River (Clallam County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(c) Selective gear rules apply.

(d) It is unlawful to retain wild steelhead.

(e) From the mouth to the Highway 101 Bridge:

(i) Open the first Saturday in June through April 30.

(ii) Trout:

(A) From the first Saturday in June 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 minimum length 14 inches.

(C) From November 1 through the last day in February: The limit may include one additional hatchery steelhead.

~~((D)) From February 16 through April 30: It is permissible to retain wild steelhead.)~~

(iii) 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 6; only one adult may be retained.

~~((b))~~ (f) From the Highway 101 Bridge to the forks:

(i) Open the first Saturday in June through April 30.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Selective gear rules apply.

(iv) 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))~~ **(19) Calawah River, North Fork (Clallam 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.

~~((21))~~ **(20) Calawah River, South Fork (Clallam County):**

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) Open the first Saturday in June through the last day in February from the mouth to the Olympic National Park boundary.

~~((b))~~ (c) Selective gear rules apply.

~~((e))~~ (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.

~~((22))~~ **(21) Cases Pond (Pacific County):**

(a) Open the fourth Saturday in April through November 30 to juvenile anglers only.

(b) Landlocked salmon rules apply.

~~((23))~~ **(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.

~~((b))~~ (c) Selective gear rules apply.

~~((e))~~ (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.

~~((24))~~ **(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.

~~((25))~~ **(24) Cedar Creek (Jefferson County), outside Olympic National Park:**

(a) Open the first Saturday in June through the last day in February.

(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.

~~((26))~~ **(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.

~~((27))~~ **(26) 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 July 1 through November 30:

(A) Single-point barbless hooks are required.

(B) 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) Open the first Saturday in June through April 15:

(B) 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.

(iii) Salmon:

(A) Open May 1 through June 30: Limit one salmon.

(B) Open July 1 through November 30:

(I) Limit 6; only 3 adults may be retained.

(II) Release adult Chinook.

(C) December 1 through January 31:

(I) Limit 6; only 2 adults may be retained and only one may be a wild adult coho.

(II) Release Chinook.

~~((b))~~ (c) From South Elma Bridge (Wakefield Road) to the Black River:

(i) All species: Single-point barbless hooks are required August 16 through November 30.

(ii) Game fish:

(A) Open the first Saturday in June through April 15.

(B) 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.

(iii) Salmon:

(A) Open May 1 through June 30: Limit one salmon.

(B) Open September 16 through November 30:

(I) Limit 6; only 3 adults may be retained.

(II) Release adult Chinook.

(C) Open December 1 through January 31:

(I) Limit 6; only 2 adults may be retained, and only one may be a wild adult coho.

(II) Release Chinook.

~~((e))~~ (d) From Black River to the Highway 6 Bridge in the town of Adna:

(i) All species August 16 through November 30: Single-point barbless hooks are required.

(ii) Game fish:

(A) Open the first Saturday in June through April 15:

(B) 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.

(iii) Salmon:

(A) Open May 1 through June 30: Limit one salmon.

(B) Open September 16 through November 30:

(I) Limit 6; only 3 adults may be retained.

(II) Release adult Chinook and chum.

(C) Open December 1 through January 31:

(I) Limit 6; only 2 adults may be retained and only one may be a wild adult coho.

(II) Release Chinook and chum.

~~((d))~~ (e) From the Highway 6 Bridge in the town of Adna to the high bridge on Weyerhaeuser 1000 line approxi-

mately 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 through April 15.

(B) 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.

(iii) Salmon:

(A) Open October 1 through November 30:

(I) Limit 6; only 3 adults may be retained.

(II) Release Chinook and chum.

(B) Open December 1 through January 31:

(I) Limit 6; only 2 adults may be retained and only one may be a wild adult coho.

(II) Release Chinook and chum.

~~((e))~~ (f) 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 through April 15.

(ii) Selective gear rules apply.

(iii) Release all fish, except anglers may retain up to 2 hatchery steelhead.

~~((28))~~ (27) **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) Open the first Saturday in June through April 15.

(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.

~~((b))~~ (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.

~~((29) Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, not including sloughs or beaver ponds):~~ Open the fourth Saturday in April through October 31.

~~((30))~~ (28) **Chenois Creek (Grays Harbor County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((31))~~ (29) **Chester Creek (Grays Harbor County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((32))~~ (30) **Chimacum Creek (Jefferson County):**

(a) From the mouth to Ness's Corner Road:

(i) Open the first Saturday in June through August 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(b) From Ness's Corner Road to headwaters:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

~~((33))~~ (31) **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.

~~((b))~~ (c) Selective gear rules apply from the first Saturday in June through October 31.

~~((e))~~ (d) From the first Saturday in June through October 31: Catch and release only.

~~((e))~~ (e) Trout: Minimum length 14 inches.

~~((34))~~ (32) **Clearwater River (Jefferson County):**

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) Selective gear rules apply.

(c) It is unlawful to retain wild steelhead.

(d) From the mouth to Snahapish River:

(i) Open the first Saturday in June through April 15:

~~((A) From February 16 through April 15: It is permissible to retain wild steelhead.~~

~~((B))~~ 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.

(ii) Salmon:

(A) Open September 1 through November 30.

(B) Limit 6; only one may be an adult.

(C) Release wild adult coho.

~~((b))~~ (e) From Snahapish River upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length, as part of the limit.

~~((35))~~ (33) **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) Open the first Saturday in June 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.

~~((b))~~ (c) From the outlet at Stump Lake upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

~~((36))~~ (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.

~~((37))~~ (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.

~~((38))~~ (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.

~~((39))~~ (37) Copalis River (Grays Harbor County):

- (a) General river rules:
 - (i) From the first Saturday in June 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.

(b) Rules by river section:

- (i) From the mouth to Carlisle Bridge:
 - (A) 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) Salmon:
 - (I) Open September 1 through January 31.
 - (II) Limit 6; only 2 adult salmon may be retained.
 - (III) Release adult Chinook and chum.
 - (ii) From Carlisle Bridge upstream: 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.

~~((40))~~ (38) Crim Creek (Lewis County) (Chehalis River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

~~((41))~~ (39) Crocker Lake (Jefferson County):
Closed.

~~((42))~~ (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.

~~((43))~~ (41) Damon Lake (Grays Harbor County):

Open the first Saturday in June through October 31.

~~((44))~~ (42) Deep Creek (Clallam County) (Humptulips River tributary):

- (a) Open December 1 through January 31.
- (b) Selective gear rules apply.
- (c) Release all fish except anglers may retain up to two hatchery steelhead.

~~((45))~~ (d) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(43) Deep Creek (Grays Harbor County):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

~~((46))~~ (44) Delezene Creek (Grays Harbor County) (Chehalis River tributary):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

~~((47))~~ (45) Dickey River (Clallam County):

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(c) Selective gear rules apply.

(d) It is unlawful to retain wild steelhead.

(e) From Olympic National Park boundary upstream to the confluence of the East and West forks:

(i) Open the first Saturday in June through April 30.

(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.

~~(iii) ((February 16 through April 30: It is permissible to retain wild steelhead.~~

~~(iv))~~ Salmon open July 1 through November 30:

(A) From July 1 through August 31:

(I) Limit 6; only 2 adult salmon may be retained.

(II) Release wild adult Chinook and wild adult coho.

(B) From September 1 through November 30: Limit 6; only one adult may be retained.

~~((48))~~ (f) From the confluence of the East and West forks upstream (for both forks):

(i) Open the first Saturday in June through April 30.

(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.

~~((48))~~ (46) Donkey Creek (Grays Harbor County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((49))~~ (47) Duck Lake (Grays Harbor County):

(a) Crappie ((limit 10; minimum length 9 inches.

~~(50))~~ No limit and no minimum length.

(b) Grass carp: No limit for anglers and bow and arrow fishing.

(48) 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) Open October 6 through January 31.

(ii) Trout: Minimum length 14 inches.

(iii) Salmon:

(A) Open only from the mouth to the hatchery intake pipe at river mile 11.3 from October 16 through December 31.

(B) Limit 4 coho only.

~~((49))~~ (c) From Gold Creek upstream: Open the Saturday before Memorial Day through October 31.

~~((51))~~ (49) East Twin River (Clallam County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

~~((52))~~ (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.

~~((53))~~ **(51) Elk Creek (Clallam County), outside of Olympic National Park:**

(a) May retain hatchery steelhead captured while fishing for other fish.

(b) Open the first Saturday in June through October 15.

~~((4))~~ (c) Selective gear rules apply.

~~((5))~~ (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) Release kokanee.

~~((54))~~ **(52) Elk Creek (Lewis County) (Chehalis River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((55))~~ **(53) Elk Lake (Clallam County):**

(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 ~~((4))~~ kokanee.

~~((56))~~ **(54) Elk River (Grays Harbor County):**

(a) From the mouth (Highway 105 Bridge) to the confluence of east and middle branches:

(i) Open the first Saturday in June through the last day in February.

(ii) From August 16 through November 30: Single-point barbless hooks are required.

(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.

(iv) Salmon open October 1 through November 30:

(A) Limit 6; only one adult may be retained.

(B) Release Chinook.

(b) From confluence of east and middle branches upstream:

(i) Open the first Saturday in June 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.

~~((57))~~ **(55) Elkhorn Creek (Pacific County) (Smith Creek tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((58))~~ **(56) Ellis Creek (Pacific County) (Willapa River tributary):**

(a) Open the first Saturday in June through October 15.

(b) Selective gear rules apply.

~~((59))~~ **(57) Ellsworth Creek (Pacific County) (Naselle River tributary):**

(a) Open the first Saturday in June through September 30.

(b) Selective gear rules apply.

~~((60) Elwha River (Clallam County): Closed.~~

~~((61))~~ **(58) Failor Lake (Grays Harbor County):**

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than two trout over 15 inches in length per day.

~~((62))~~ **(59) Fairchild 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.

~~((63))~~ **(60) Fall River and all forks (Pacific County) (North River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((64))~~ **(61) Falls Creek (Pacific County) (Willapa River tributary):**

(a) Open the first Saturday in June through October 15.

(b) Selective gear rules apply.

~~((65))~~ **(62) Fern Creek (Pacific County) (Willapa River tributary):**

(a) Open the first Saturday in June through October 15.

(b) Selective gear rules apply.

~~((66))~~ **(63) Finn Creek (Pacific County) (North Nemah River tributary):** Open the first Saturday in June through October 31.

~~((67))~~ **(64) 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 ~~((disabilities who permanently use a wheelchair))~~ lower extremity disabilities who must permanently use a medically prescribed assistive device every time for mobility as defined in WAC 232-12-825(1) 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 through July 15 and October 1 through March 31: Release all fish, except anglers may retain up to 2 hatchery steelhead.

(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 adult 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 adult 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.

(ii) Selective gear rules apply.

~~((68))~~ **(65) Garrard Creek (Grays Harbor County) (Chehalis River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((69))~~ **(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.

~~((70))~~ **(67) 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 through the last day in February.

~~((b))~~ (c) Selective gear rules apply.

~~((e))~~ (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.

~~((71))~~ **(68) Grass Creek (Grays Harbor County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((72))~~ **(69) 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.

(c) Catch and release only.

~~((73))~~ **(70) Halfmoon Creek (Pacific County) (Willapa River tributary):**

(a) Open the first Saturday in June through October 15.

(b) Selective gear rules apply.

~~((74))~~ **(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.

~~((75))~~ **(72) Hanaford Creek (Lewis County) (Skookumchuck River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((76))~~ **(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.

~~((77))~~ **(74) Hoh River (Jefferson County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(c) Selective gear rules apply.

(d) It is unlawful to retain wild steelhead.

(e) From the Olympic National Park boundary upstream to the DNR Oxbow Campground Boat Launch:

(i) Open August 1 through April 15.

(A) ~~((From February 16 through April 15: It is permissible to retain wild steelhead.~~

(B) From August 1 through August 31: Selective gear rules apply.

(C) From August 1 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.

(D) From April 1 through April 15: Trout minimum length 14 inches.

(E) From November 1 through February 15: The trout limit may include one additional hatchery steelhead.

(ii) Salmon open September 1 through November 30: Limit 6; only one adult may be retained.

~~((b))~~ (f) From the DNR Oxbow Campground Boat Launch to Morgans Crossing Boat Launch site:

(i) Open August 1 through April 15.

(A) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(B) Selective gear rules apply August 1 through October 15 and December 1 through April 15.

(ii) From August 1 through April 15: 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.

(iii) Salmon open October 16 through November 30: Limit 6; only one adult may be retained.

~~((e))~~ (g) From Morgan's Crossing Boat Launch upstream to the Olympic National Park boundary below mouth of South Fork Hoh River:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Open August 1 through April 15: 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.

~~((78))~~ **(75) Hoh River, South Fork (Jefferson County), outside the Olympic National Park boundary:**

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) Open August 1 through April 15.

~~((b))~~ (c) Selective gear rules apply.

~~((e))~~ (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.

~~((79))~~ **(76) 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.

(ii) Open the first Saturday in June through March 15. Open to fly fishing only September 1 through October 31.

(iii) Trout: Minimum length fourteen inches.

~~((b))~~ (c) From the upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5):

(i) Open the first Saturday in June through March 31 to fly fishing only.

(ii) Release all fish except anglers may retain up to two hatchery steelhead.

~~((80))~~ **(77) 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 through the last day of 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.

(iii) Salmon open October 1 through December 31:

(A) From October 1 through November 30:

(I) Limit 6; only 2 adults may be retained.

(II) Release Chinook.

(B) From December 1 through December 31:

(I) Limit 6; only one adult may be retained.

(II) Release Chinook.

~~((84))~~ (c) From Dekay Road Bridge upstream:

(i) Open the first Saturday in June through the last day of February.

(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.

~~((84))~~ (78) **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 through the last day of 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.

(iii) Salmon open October 1 through December 31.

(A) From October 1 through November 30:

(I) Limit 6; only 2 adults may be retained.

(II) Release Chinook.

(B) From December 1 through December 31:

(I) Limit 6; only 1 adult may be retained.

(II) Release Chinook.

~~((84))~~ (c) From the confluence of Berryman Creek upstream to Youman's Road Bridge:

(i) Open the first Saturday in June through the last day of 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.

~~((82))~~ (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.

~~((83))~~ (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.

~~((84))~~ (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.

~~((85))~~ (82) **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 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.

(iii) Salmon open September 1 through January 31:

(A) From September 1 through September 30:

(I) Limit 6; only 2 adults may be retained, and only one may be a wild adult Chinook.

(II) Release wild coho.

(B) From October 1 through November 15:

(I) Limit 6; only 2 adults may be retained, and only one may be an adult Chinook.

(II) Release wild coho.

(C) From November 16 through January 31:

(I) Limit 6: Only 2 adults may be retained.

(II) Release Chinook and wild coho.

~~((84))~~ (c) 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 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.

(II) Selective gear rules apply.

(iv) Salmon open September 1 through January 31:

(A) From September 1 through September 30:

(I) Limit 6; only 2 adults may be retained, and only one may be a wild adult Chinook.

(II) Release wild coho.

(B) From October 1 through November 15:

(I) Limit 6; only 2 adults may be retained, and only one may be an adult Chinook.

(II) Release wild coho.

(C) From November 16 through January 31:

(I) Limit 6; only 2 adults may be retained.

(II) Release Chinook and wild coho.

~~((86))~~ (83) **Humptulips River, East Fork (Grays Harbor County):**

(a) From the mouth to the concrete bridge on Forest Service Road 220:

(i) August 16 through October 31: Anti-snagging rule applies and 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.

(b) 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.

~~((87))~~ **(84) 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) August 16 through November 30: Anti-snagging rule applies and night closure in effect.

(ii) Open the first Saturday in June 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) 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.

~~((b))~~ ~~(c)~~ From Donkey Creek upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

~~((88))~~ **(85) Independence Creek (Grays Harbor County) (Chehalis River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((89))~~ **(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.

~~((90))~~ **(87) Joe Creek (Grays Harbor County):**

(a) From the mouth to Ocean Beach Road Bridge:

(i) August 16 through November 30: Single-point barbless hooks are required.

(ii) Open the first Saturday in June through November 30: 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.

(iii) Salmon open September 1 through November 30:

(A) Limit 6; only 2 adults may be retained.

(B) Release adult Chinook and chum.

(b) From Ocean Beach Road Bridge upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(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.

~~((91))~~ **(88) 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) August 16 through November 30: Single-point barbless hooks are required.

(ii) Open 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.

(iii) Salmon open October 1 through November 30:

(A) Limit 6; only one adult may be retained.

(B) Release Chinook.

~~((b))~~ ~~(c)~~ 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.

~~((92))~~ **(89) Jones Creek (Lewis County) (Chehalis River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((93))~~ **(90) 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.

~~(c)~~ Open the first Saturday in June through the last day in February:

(i) Selective gear rules apply.

(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.

~~((94))~~ **(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.

~~((95))~~ **(92) Leland Lake (Jefferson County):** No more than two trout over 14 inches in length may be retained.

~~((96))~~ **(93) Lena Lake, Lower (Jefferson County):** The inlet stream is closed from the mouth upstream to the footbridge (about 100 feet).

~~((97))~~ **(94) 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.

~~((98))~~ **(95) Lincoln Pond (Clallam County):** Open to juvenile anglers only.

~~((99))~~ **(96) Little Hoko River (Clallam County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

~~((100))~~ (97) **Little Hoquiam River (Grays Harbor County):**

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

~~((101))~~ (98) **Little North River and all forks (Grays Harbor County) (North River tributary):**

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

~~((102))~~ (99) **Little Quilcene River (Jefferson County):**

(a) From the mouth to the Little Quilcene River Bridge on Penny Creek Road:

- (i) Open the first Saturday in June through October 31.
- (ii) From the mouth to Highway 101 Bridge: ~~((Closed September 1 through October 31))~~ Open November 1 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 Quilcene River Bridge on Penny Creek Road upstream: Open the first Saturday in June through October 31.

~~((103))~~ (100) **Long Beach Peninsula waterways and lakes (Pacific County):** Open the fourth Saturday in April through October 31.

~~((104))~~ (101) **Loomis Lake (Pacific County):** Open the fourth Saturday in April through October 31.

~~((105))~~ (102) **Loomis Pond (Grays Harbor County):** Closed.

~~((106))~~ (103) **Lower Salmon Creek and all forks (Grays Harbor/Pacific counties) (North River tributary):**

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

~~((107))~~ (104) **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.

~~((108))~~ (105) **Ludlow Creek (Jefferson County):**

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Catch and release only.

~~((109))~~ (106) **Ludlow Lake (Jefferson County):**

(a) Open the fourth Saturday in April through October 31.

(b) Trout: It is unlawful to retain more than two trout over 14 inches in length.

~~((110))~~ (107) **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 through January 31.
- (ii) Trout: Minimum length 14 inches.

~~((111))~~ (c) 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) Catch and release only.

~~((111))~~ (108) **Matheny Creek (Jefferson County) (Queets River tributary), outside Olympic National Park:**

- (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.

~~((112))~~ (109) **McDonald Creek (Clallam County):**

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Catch and release only.

~~((113))~~ (110) **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 through March 31: Release all fish except anglers may retain up to 2 hatchery steelhead.

(ii) August 1 through November 30:

(A) Night closure in effect.

(B) Single-point barbless hooks are required.

(iii) Salmon:

(A) Open September 1 through January 31.

(B) Limit 6; no more than 4 adults may be retained.

(C) Release wild Chinook.

~~((114))~~ (c) From the department of natural resources bridge on the Middle Nemah A-Line Road upstream:

(i) Open the first Saturday in June through March 31:

(A) Selective gear rules apply.

(B) Release all fish except anglers may retain up to 2 hatchery steelhead.

(ii) August 16 through November 30: Anti-snagging rule applies and night closure in effect.

~~((114))~~ (111) **Mill Creek (Pacific County) (Willapa River tributary):**

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

~~((115))~~ (112) **Mill Creek Pond (Grays Harbor County):** Open to juvenile anglers only.

~~((116))~~ (113) **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.

~~((117))~~ (114) **Moclips River (Grays Harbor County):**

(a) Open from the mouth to the Quinault Indian Reservation boundary from the first Saturday in June through the last day in February.

(b) 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) 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.

(c) Salmon is open September 1 through January 31:

(i) Limit 6; only 2 adults may be retained.

(ii) Release chum and adult Chinook.

~~((118))~~ **(115) 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) Open from December 1 through January 31.

(ii) Trout: Minimum length 14 inches.

~~((119))~~ (c) From Port Angeles Dam upstream: Open the first Saturday in June through October 31.

~~((119))~~ **(116) Mosquito Creek (Jefferson County):**

(a) Open outside Olympic National Park upstream to the Goodman 3000 Mainline Bridge from the first Saturday in June through the last day in February.

(b) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(c) Selective gear rules apply.

~~((120))~~ (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.

~~((120))~~ **(117) Mox Chehalis Creek (Grays Harbor County) (Chehalis River tributary):** Open the first Saturday in June through October 31: Selective gear rules apply.

~~((121))~~ **(118) Naselle River (Pacific/Wahkiakum counties):**

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the Highway 101 Bridge to the Highway 4 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 through April 15: Release all fish except anglers may retain up to 2 hatchery steelhead.

(iv) Salmon open August 1 through January 31:

(A) From August 1 through October 31:

(I) Limit 6; only 4 adults may be retained.

(II) Release wild Chinook.

(B) From 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.

~~((122))~~ (c) From the Highway 4 Bridge to the upstream entrance of the Naselle Hatchery Attraction Channel:

(i) Closed waters from the upstream entrance of the hatchery attraction channel downstream 400 feet.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) From September 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.

(iv) Open the first Saturday in June through July 31 and September 16 through April 15: Release all fish except anglers may retain up to 2 hatchery steelhead.

(v) Salmon open September 16 through January 31:

(A) From September 16 through October 31:

(I) Limit 6; only 4 adults may be retained.

(II) Release wild Chinook.

(B) From November 1 through January 31:

(I) Limit 6; only 4 adults may be retained and only two may be wild adult coho.

(II) Release wild Chinook.

~~((123))~~ (d) 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.

(B) Downstream of the full spanning concrete diversion structure at the Naselle Hatchery: ~~((Closed August 1 through October 15))~~ Open October 16 through July 31.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) 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) Open the first Saturday in June through April 15: Release all fish, except anglers may retain up to 2 hatchery steelhead.

(v) Salmon open October 16 through January 31:

(A) From October 16 through October 31:

(I) Limit 6; only 4 adults may be retained.

(II) Release wild Chinook.

(B) From November 1 through January 31:

(I) Limit 6; only 4 adults may be retained and only two may be wild adult coho.

(II) Release wild Chinook.

~~((124))~~ (e) From the Crown Mainline (Salme) Bridge to the mouth of the North Fork:

(i) Open the first Saturday in June through April 15: Release all fish except anglers may retain up to 2 hatchery steelhead.

(ii) From August 16 through November 30:

(A) Night closure in effect.

(B) Anti-snagging rule applies.

~~((125))~~ (f) Upstream from the mouth of the North Fork:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.

~~((122))~~ **(119) North Naselle River (Pacific County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((123))~~ **(120) South Naselle River (Pacific County):**

(a) From the mouth to Bean Creek: Open the first Saturday in June through the last day in February.

(b) From the first Saturday in June through August 15: Selective gear rules apply.

(c) 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.

~~((124))~~ **(121) 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.

~~((125))~~ **(122) 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 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.

(ii) August 16 through November 30:

(A) Night closure in effect.

(B) Single-point barbless hooks are required.

(iii) Salmon open October 1 through the last day in February:

(A) From October 1 through November 30:

(I) Limit 6; only 3 adults may be retained.

(II) Release Chinook and chum.

(B) From December 1 through the last day in February:

(I) Limit 6; only 2 adults may be retained, and only one may be a wild adult coho.

(II) Release Chinook and chum.

~~((127))~~ **(c)** From Leonard Road near Onalaska to Highway 508 Bridge near Kearny Creek:

(i) Open the first Saturday in June 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.

(ii) August 16 through November 30:

(A) Night closure in effect.

(B) Single-point barbless hooks are required.

~~((128))~~ **(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.

~~((126))~~ **(123) 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 March 31.

~~((129))~~ **(c)** Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length.

~~((127))~~ **(124) 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 through March 31.

~~((130))~~ **(c)** Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length.

~~((128))~~ **(125) Newman Creek (Grays Harbor County) (Chehalis River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((129))~~ **(126) Newskah Creek (Grays Harbor County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((130))~~ **(127) 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)~~ August 16 through November 30:

(i) Night closure in effect.

(ii) Single-point barbless hooks are required.

~~((131))~~ **(c)** Open the first Saturday in June through November 30.

~~((132))~~ **(d)** Salmon open September 1 through November 30.

(i) Limit 6; only 2 adults may be retained.

(ii) Release wild Chinook and wild coho.

~~((133))~~ **(128) 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 through March 31.

(ii) Release all fish except anglers may retain up to 2 hatchery steelhead.

(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.

~~((134))~~ **(c)** From the bridge on Nemah Valley Road upstream to Nemah Hatchery barrier dam:

(i) The Nemah Hatchery Bridge upstream to Nemah Hatchery barrier dam: Closed.

(ii) Open the first Saturday in June through July 31 and November 16 through March 31.

(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.

(iv) From August 16 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(v) Selective gear rules apply December 1 through March 31.

~~((135))~~ **(d)** From the Nemah Hatchery barrier dam upstream to N-700 Road:

(i) Open the first Saturday in June through March 31.

(ii) Release all game fish except anglers may retain up to 2 hatchery steelhead.

(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:
 - (v) Salmon open October 1 through January 31:
 - (A) Limit 6; only 4 adults may be retained.
 - (B) Release wild Chinook.
- ~~((4))~~ (e) From the N-700 Road upstream to Cruiser Creek:
 - (i) Open the first Saturday in June through March 31.
 - (ii) Release all fish except anglers may retain up to 2 hatchery steelhead.
 - (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.
- ~~((132))~~ (129) **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 Salmon Creek (located approximately 2 miles upstream from Highway 101):
 - (i) August 16 through November 30:
 - (A) Night closure in effect.
 - (B) Single-point barbless hooks are required.
 - (ii) Open the first Saturday in June through the last day in February: Release all fish except anglers may retain up to 2 hatchery steelhead.
 - (iii) Salmon open October 1 through January 31:
 - (A) Limit 6; only 4 adults may be retained.
 - (B) Release wild Chinook.
 - ~~((4))~~ (c) From Salmon Creek (located approximately 2 miles upstream from Highway 101) to Fall River:
 - (i) August 16 through November 30:
 - (A) Night closure in effect.
 - (B) Anti-snagging rule applies.
 - (C) Single-point barbless hooks are required.
 - (ii) Open the first Saturday in June through the last day in February: Release all fish except anglers may retain up to 2 hatchery steelhead.
 - (iii) Salmon open October 1 through January 31:
 - (A) Limit 6; only 4 adults may be retained.
 - (B) Release wild Chinook.
 - ~~((4))~~ (d) 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 anglers may retain up to 2 hatchery steelhead.
- ~~((133))~~ (130) **Owens Pond (Pacific County):** The first Saturday in June through October 31 season.
- ~~((134))~~ (131) **Palix River, including all forks (Pacific County):**
 - (a) From the Highway 101 Bridge to the mouth of the Middle Fork:
 - (i) August 16 through November 30:
 - (A) Night closure in effect.
 - (B) Single-point barbless hooks are required.

- (ii) Open the first Saturday in June through March 31: Release all fish except anglers may retain up to 2 hatchery steelhead.
- (iii) Salmon:
 - (A) Open September 1 through January 31.
 - (B) Limit 6; only 4 adults may be retained.
 - (C) Release wild Chinook.
- (b) From the confluence with the Middle Fork upstream and all forks, including South Fork Palix and Canon rivers:
 - (i) August 16 through October 15:
 - (A) Anti-snagging rule applies.
 - (B) Night closure in effect.
 - (ii) From the first Saturday in June through August 15, and from December 16 through March 31: Selective gear rules apply.
 - (iii) Open the first Saturday in June through October 15, and from December 16 through March 31.
 - (iv) Release all fish except anglers may retain up to 2 hatchery steelhead.
- ~~((135))~~ (132) **Palmquist 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.
- ~~((136))~~ (133) **Peabody Creek (Clallam County):** Open the first Saturday in June through October 31 to juvenile anglers only.
- ~~((137))~~ (134) **Penny Creek (Jefferson County):** Open the first Saturday in June through October 31.
- ~~((138))~~ (135) **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.
 - (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.
- ~~((139))~~ (136) **Pheasant Lake (Jefferson County):** Open the fourth Saturday in April through October 31.
- ~~((140))~~ (137) **Pilchuck Creek (Clallam County) (Sooes River tributary):**
 - (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.
- ~~((141))~~ (138) **Pioneer Creek (Grays Harbor County) (North River tributary):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
- ~~((142))~~ (139) **Pleasant Lake (Clallam County):** Trout: Kokanee minimum length 6 inches, maximum length 18 inches.
- ~~((143))~~ (140) **Porter Creek (Grays Harbor County) (Chehalis River tributary):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.

~~((144))~~ (141) Promised Land Pond (Grays Harbor County): Open the first Saturday in June through October 31.

~~((145))~~ (142) Pysht 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.

~~((b))~~ (c) Selective gear rules apply.

~~((e))~~ (d) From the first Saturday in June through October 31: Catch and release only.

~~((d))~~ (e) From November 1 through January 31: Trout minimum length 14 inches.

~~((146))~~ (143) Rock Creek (Lewis County) (Chehalis River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((147))~~ (144) Stearns Creek (Lewis County) (Chehalis River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((148))~~ (145) 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.

~~((149))~~ (146) Stowe Creek (Lewis County) (Chehalis River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((150))~~ (147) Quigg Lake (Grays Harbor County):

(a) Open the first Saturday in June through April 15.

(b) Trout: Minimum length 14 inches.

(c) Salmon:

(i) Open October 1 through January 31.

(ii) Limit 6 hatchery coho salmon; only 4 may be adult hatchery coho.

~~((151))~~ (148) Quillayute River (Clallam County), outside of Olympic National Park:

(a) Open year-round.

~~((a))~~ (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(d) Selective gear rules apply.

(e) It is unlawful to retain wild steelhead.

(f) From May 1 through the Friday before the first Saturday in June: Release all fish except anglers may retain up to 2 hatchery steelhead.

~~((b))~~ (g) From the first Saturday in June 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.

~~((e))~~ (h) From April 1 through April 30: Trout minimum length 14 inches.

~~((d))~~ (i) From November 1 through the last day in February: Anglers may retain one additional hatchery steelhead as part of the limit.

~~((e))~~ (j) From February 16 through April 30: It is permissible to retain wild steelhead.

~~((f))~~ (k) 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 may be a wild adult.

~~((152))~~ (149) Quinault River (Grays Harbor County): From the mouth at the upper end of Quinault Lake upstream to the Olympic National Park boundary:

(a) Selective gear rules apply.

(b) It is unlawful to retain wild steelhead.

(c) Open the first Saturday in June through April 15:

~~((i))~~ February 16 through April 15: It is permissible to retain one wild steelhead per day.

~~((i))~~ (j) 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))~~ (d) Salmon open July 1 through November 30:

(i) From July 1 through September 30:

(A) Limit 6 jack salmon only.

(B) Single-point barbless hooks are required.

(ii) From October 1 through November 30:

(A) Limit 6; only 2 adults may be retained.

(B) Release sockeye and chum.

~~((153))~~ (150) 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.

~~((154))~~ (151) Radar Ponds (Pacific County): Salmon: Landlocked salmon rules apply.

~~((155))~~ (152) Raimie Creek and all forks (Pacific County) (North River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((156))~~ (153) Ripley Creek (Jefferson County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

~~((157))~~ (154) Rock Creek (Grays Harbor County) (Chehalis River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((158))~~ (155) Rocky Brook (Jefferson County) (Dosewallips River tributary): From the falls 1000 feet upstream of the mouth: Open the first Saturday in June through October 31.

~~((159))~~ (156) 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.

~~((160))~~ (157) Salmon 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.

~~((161))~~ (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(158) Salmon Creek (Pacific County) (tributary of Naselle River):

(a) Open the first Saturday in June through the last day in February.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

~~((162))~~ **(159) Salmon River (Jefferson County), outside Olympic National Park and the Quinault Indian Reservation:**

(a) May retain hatchery steelhead when fishing for other fish.

(b) Selective gear rules apply.

(c) It is unlawful to retain wild steelhead.

(d) Open the first Saturday in June through the last day in February:

(i) 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.

(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.

~~((163))~~ (e) Salmon open September 1 through November 30:

(i) Limit 6; only 3 adults may be retained, no more than 2 adults may be Chinook, and only one Chinook may be wild.

(ii) Release wild adult coho salmon.

~~((163))~~ **(160) 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 through January 31.

~~((163))~~ (c) Selective gear rules apply.

~~((163))~~ (d) First Saturday in June through October 31: Catch and release only.

~~((163))~~ (e) November 1 through January 31: Anglers may retain up to 2 hatchery steelhead.

~~((164))~~ **(161) Sand Creek (Grays Harbor County) (Chehalis River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((165))~~ **(162) Sandyshore Lake (Jefferson County):**
(a) Open the fourth Saturday in April through October 31.

(b) Trout: No more than two over 14 inches in length may be retained.

~~((166))~~ **(163) Satsop Lakes (Grays Harbor County):**
Open the fourth Saturday in April through October 31.

~~((167))~~ **(164) Satsop River and East Fork (Grays Harbor County):**

(a) From the mouth to the bridge at Schafer State Park:

(i) August 16 through November 30:

(A) Night closure in effect.

(B) Single-point barbless hooks are required.

(ii) Open the first Saturday in June 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.

(iii) Salmon open September 16 through January 31:

(A) From September 16 through November 30:

(I) Limit 6; only 3 adults may be retained.

(II) Release wild adult Chinook.

(B) From December 1 through January 31:

(I) Limit 6; only 2 adults may be retained, and only one may be a wild adult coho.

(II) Release Chinook.

(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 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 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) ~~((Closed, except))~~ 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 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.

(v) Salmon open September 16 through January 31:

(A) From September 16 through November 30:

(I) Limit 6; only 3 adults may be retained.

(II) Release wild adult Chinook.

(B) From December 1 through January 31:

(I) Limit 6; only 2 adults may be retained, and only one may be a wild adult coho.

(II) Release Chinook.

(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.

~~((168))~~ **(165) Satsop River, Middle Fork (Turnow Branch):**

(a) From the mouth to Cougar Smith Road:

(i) From August 16 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) Open 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 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.

~~((169))~~ **(166) Satsop River, West Fork:**

(a) From the mouth to Cougar Smith Road:

(i) August 16 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) Open 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 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: ~~(Limit 5)~~ 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.~~((170))~~ **(167) 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.

~~((171))~~ **(168) 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 through January 31.

(ii) From the first Saturday in June through October 31: Selective gear rules apply.

(iii) November 1 through January 31: Catch and release only.

(iv) Trout: Minimum length 14 inches.

~~((16))~~ **(c)** From the forks upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

~~((172))~~ **(169) Shine Creek (Jefferson County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

~~((173))~~ **(170) Shye Lake (Grays Harbor County):**

Open the first Saturday in June through October 31.

~~((174))~~ **(171) Siebert Creek (Clallam County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

~~((175))~~ **(172) 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.

(c) Trout: It is unlawful to retain more than two over 14 inches in length.

~~((176))~~ **(173) Sitkum River (Clallam County) (Cawah River tributary):**

(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.

~~((177))~~ **(174) 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 ~~((a))~~ kokanee.~~((178))~~ **(175) 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 PP&L/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam:

(i) August 16 through November 30:

(A) Night closure in effect.

(B) Single-point barbless hooks are required.

(ii) Open the first Saturday in June through April 30:

(A) From the first Saturday in June 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 minimum length 14 inches.

(ii) Salmon open October 1 through the last day in February:

(A) From October 1 through November 30:

(I) Limit 6; only 3 adults may be retained.

(II) Release Chinook and chum.

(B) From December 1 through the last day in February:

(I) Limit 6; only 2 adults may be retained and only one may be a wild adult coho.

(II) Release Chinook and chum.

~~((16))~~ **(c)** From Skookumchuck Reservoir upstream, selective gear rules apply.~~((179))~~ **(176) 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) August 16 through November 30:

(A) Night closure in effect.

(B) Single-point barbless hooks are required.

(ii) Open the first Saturday in June through the last day in February: Release all fish except anglers may retain up to 2 hatchery steelhead.

(iii) Salmon open October 1 through December 31:

(A) From October 1 through November 30:

(I) Limit 6; only 3 adults may be retained, and only 2 may be wild adult coho.

(II) Release wild Chinook.

(B) From December 1 through December 31:

(I) Limit 6; only 2 adults may be retained, and only one may be a wild adult coho.

(II) Release wild Chinook.

~~((b))~~ (c) From the Highway 101 Bridge upstream:

(i) Selective gear rules apply.

(ii) Open the first Saturday in June through the last day in February: Release all fish except anglers may retain up to 2 hatchery steelhead.

~~((180))~~ (177) **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.

~~((b))~~ (c) Selective gear rules apply.

~~((181))~~ (178) **Snahapish River (Jefferson County) (Clearwater River tributary):**

(a) Selective gear rules apply.

(b) It is unlawful to retain wild steelhead.

(c) Open the first Saturday in June through October 31.

~~((b))~~ (d) Selective gear rules apply.

~~((e))~~ (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.

~~((182))~~ (179) **Sol Duc River (Clallam County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) May retain hatchery steelhead when fishing for other fish.

(c) Selective gear rules apply.

(d) It is unlawful to retain wild steelhead.

(e) Open year-round from the mouth to the concrete pump station at the Sol Duc Hatchery:

(i) May 1 through the Friday before the first Saturday in June: Release all fish except anglers may retain up to 2 hatchery steelhead.

(ii) From the first Saturday in June through April 30:

(A) The first Saturday in June 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) April 1 through April 30: Trout minimum length 14 inches.

(C) November 1 through the last day in February: Anglers may retain one additional hatchery steelhead as part of the trout limit.

~~((D) February 16 through April 30: It is permissible to retain wild steelhead.)~~

(iii) 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.

(III) May 1 through August 31: Closed from the Sol Duc Hatchery outlet creek upstream to the old trestle pilings.

(B) From September 1 through November 30: Limit 6; only 3 adult salmon may be retained, and only one may be a wild adult.

~~((b))~~ (f) 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 through April 30.

(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.

~~((e))~~ (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) Selective gear rules apply.

(iv) It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((183))~~ (180) **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.

~~((184))~~ (181) **Solleks River (Jefferson County) (Clearwater River tributary):**

(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.

~~((185))~~ (182) **Sooes River (Tsoo-Yess River) (Clallam County), outside of Makah Indian Reservation:**

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) Open the first Saturday in June through the last day in February.

~~((b))~~ (c) From the first Saturday in June through October 31:

(i) Selective gear rules apply.

(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.

~~((e))~~ (d) Open November 1 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.

~~((186))~~ (183) **South Bend Mill Pond (Pacific County):** Open to juvenile anglers only.

~~((187))~~ (184) **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 ~~((a))~~ kokanee.

~~((188))~~ (185) **South Nemah River (Pacific County):**

(a) From the mouth (Lynn Point, 117 degrees true to opposite shore) to the confluence with Middle Nemah River:

- (i) September 1 through November 30:
 - (A) Night closure in effect.
 - (B) Single-point barbless hooks are required.
- (ii) Open the first Saturday in June through March 31: Release all fish except anglers may retain up to 2 hatchery steelhead.
 - (iii) Salmon:
 - (A) Open September 1 through January 31.
 - (B) Limit 6; only 4 adults may be retained.
 - (C) Release wild Chinook.
 - (b) 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.
- ~~((189))~~ (186) **Stevens Creek (Grays Harbor County):**
 - (a) From the mouth to the Highway 101 Bridge:
 - (i) Closed from the WDFW hatchery outlet downstream 400 feet.
 - (ii) Open the first Saturday in June through September 30 and December 1 through the last day in February.
 - (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.
 - (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.
- ~~((190))~~ (187) **Sutherland Lake (Clallam County):**
 - (a) Open the fourth Saturday in April through October 31.
 - (b) Trout: Minimum length 6 inches and maximum length 18 inches.
- ~~((191))~~ (188) **Sylvia Creek (Grays Harbor County) (Wynoochee River tributary):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
- ~~((192))~~ (189) **Sylvia Lake (Grays Harbor County):** It is unlawful to retain more than 2 trout over 15 inches in length.
 - ~~((193))~~ (190) **Tarboo Creek (Jefferson County):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
 - (c) Catch and release only.
 - ~~((194))~~ (191) **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.
 - (c) Trout: It is unlawful to retain more than two over 14 inches in length.
 - ~~((195))~~ (192) **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.
 - ~~((196))~~ (193) **Thorndyke Creek (Jefferson County):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
 - (c) Catch and release only.
 - ~~((197))~~ (194) **Thunder Creek (Clallam County) (Tributary to East Fork Dickey River):**
 - (a) Open the first Saturday in June through April 30.
 - (b) From D2400 Road upstream: Closed from November 1 through April 30.
 - (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.
 - ~~((198))~~ (195) **Trap Creek (Pacific County) (Willapa River tributary):**
 - (a) Open the first Saturday in June through October 15.
 - (b) Selective gear rules apply.
 - ~~((199))~~ (196) **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 ~~((aH))~~ kokanee.
 - ~~((200))~~ (197) **Twin Lake (Jefferson County):** Open the fourth Saturday in April through October 31.
 - ~~((201))~~ (198) **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 ~~((aH))~~ kokanee.
 - ~~((202))~~ (199) **Valley Creek (Clallam County):** Open the first Saturday in June through October 31 to juvenile anglers only.
 - ~~((203))~~ (200) **Vance Creek (Grays Harbor County) (Chehalis River tributary):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
 - ~~((204))~~ (201) **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, seniors, and anglers with a disability who possess a designated harvester companion card.
 - (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.
 - ~~((205))~~ (202) **Van Winkle Creek (Grays Harbor County):**
 - (a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
 - (b) August 16 through November 30:
 - (i) Night closure in effect.
 - (ii) Anti-snagging rule applies.

~~((b))~~ (c) From the mouth to 400 feet below the outlet of Lake Aberdeen Hatchery:

(i) Open the first Saturday in June through January 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.

(ii) Salmon open September 1 through January 31:

(A) Limit 6; only 3 adults may be retained.

(B) Release Chinook.

~~((e))~~ (d) From Lake Aberdeen upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

~~((206))~~ (203) **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.

~~((207))~~ (204) **Ward Creek (Pacific County) (Willapa River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((208))~~ (205) **Wentworth Lake (Clallam County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((209))~~ (206) **West Twin River (Clallam County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

~~((210))~~ (207) **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.

~~((211))~~ (208) **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.

~~((212))~~ (209) **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) Single-point barbless hooks are required.

(D) 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.

(ii) Open the first Saturday in June through March 31; release all fish except anglers may retain up to 2 hatchery steelhead.

(iv) Salmon open August 1 through January 31:

(A) Limit 6; only 4 adults may be retained.

(B) Release wild Chinook.

~~((b))~~ (c) From Highway 6 Bridge to Fork Creek:

(i) From September 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 through July 15 and from September 16 through March 31: Release all fish, except anglers may retain up to 2 hatchery steelhead.

(iii) Salmon open September 16 through January 31:

(A) Limit 6; only 4 adults may be retained.

(B) Release wild Chinook.

~~((e))~~ (d) 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 through October 31: Release all fish except anglers may retain up to 2 hatchery steelhead.

(iii) Salmon open October 1 through January 31:

(A) Limit 6; only 4 adults may be retained and only two may be wild adult coho.

(B) Release wild Chinook.

~~((b))~~ (e) 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.

(ii) Open the first Saturday in June through October 31: Release all fish except anglers may retain up to 2 hatchery steelhead.

~~((213))~~ (210) **Willapa River, South Fork (Pacific County):** From the mouth to the bridge on Pehl Road:

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the falls/fish ladder downstream 400 feet in Section 6, Township 13 North, and Range 8 West: Closed.

~~((b))~~ (c) Selective gear rules apply from the first Saturday in June through July 31.

~~((e))~~ (d) From August 1 through November 30:

(i) Night closure in effect.

(ii) Anti-snagging rule applies.

(iii) Barbless hooks are required.

~~((b))~~ (e) Open the first Saturday in June through the last day in February: Release all fish except anglers may retain up to 2 hatchery steelhead.

~~((e))~~ (f) Salmon open August 1 through January 31:

(i) Limit 6; only 3 adults may be retained, and only one may be wild adult coho.

(ii) Release wild Chinook.

~~((b))~~ (g) From Pehl Road upstream:

(i) Open the first Saturday in June through the last day in February.

(ii) Release all fish except anglers may retain up to 2 hatchery steelhead.

~~((214))~~ (211) **Williams Creek (Pacific County) (North Nemah 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.

~~((215))~~ (212) **Wilson Creek (Pacific County) (Willapa River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((216))~~ (213) **Wilson Creek, North Fork (Pacific County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((217))~~ (214) **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.

~~((b))~~ (c) From the mouth to West Fork:

(i) Open the first Saturday in June 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.

(iii) Salmon open September 16 through January 31:

(A) From September 16 through November 30:

(I) Limit 6; only 3 adults may be retained, and only 2 may be wild adult coho.

(II) Release Chinook.

(B) From December 1 through January 31:

(I) Limit 6; only 2 adults may be retained, and only one may be a wild adult coho.

(II) Release Chinook.

~~((e))~~ (d) From the mouth of West Fork to 200 feet below the weir at the Wishkah Rearing Ponds:

(i) 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.

(ii) Open the first Saturday in June through the last day in February.

(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.

(iv) Salmon open September 16 through January 31:

(A) From September 16 through November 30:

(I) Limit 6; only 3 adults may be retained, and only 2 may be wild adult coho.

(II) Release Chinook.

(B) From December 1 through January 31:

(I) Limit 6; only 2 adults may be retained and only one may be a wild adult coho.

(II) Release Chinook.

~~((f))~~ (e) From the weir upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

~~((218))~~ (215) **Wishkah River, East and West forks (Grays Harbor County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((219))~~ (216) **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 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.

(iii) Salmon open September 16 through January 31.

(A) Limit 6; only 2 adults may be retained.

(B) Release Chinook.

~~((b))~~ (c) 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 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.

~~((e))~~ (d) 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.

(ii) Open the first Saturday in June through October 31 and from December 1 through March 31:

(A) From 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.

(B) From December 1 through March 31:

(I) Selective gear rules apply.

(II) Release all fish, except anglers may retain up to 2 hatchery steelhead.

~~((f))~~ (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 ~~((5))~~. 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.

~~((220))~~ (217) **Wynoochee Reservoir (Grays Harbor County):**

(a) Open the first Saturday in June through October 31.

(b) Trout: Minimum length 12 inches.

(c) Landlocked salmon rules apply.

AMENDATORY SECTION (Amending WSR 15-13-081, filed 6/12/15, effective 7/13/15)

WAC 220-310-185 Freshwater exceptions to state-wide rules—Southwest. (1) **Abernathy Creek and all tributaries including Cameron, Slide, and Wiest creeks (Cowlitz County):**

(a) From the mouth to a point 500 feet downstream from the Abernathy Technology Center:

(i) Barbless hooks are required for steelhead.

(ii) Bass: No limit and no size restriction.

(iii) Channel catfish: No limit.

(iv) Walleye: No limit and no size restriction.

(v) Open the first Saturday in June through August 31 and November 1 through March 15.

((iii)) (vi) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(A) First Saturday in June through August 31:

(I) No minimum size for trout.

(II) Release all fish except adipose clipped trout as evidenced by a healed scar at the location of the adipose fin.

(III) Three hatchery trout limit.

(B) November 1 through March 15: Catch and release except up to 3 hatchery steelhead may be retained.

(b) From 200 feet above Abernathy Falls to posted markers 500 feet downstream from the Abernathy Fish Technology Center: Closed.

(c) From 200 feet above Abernathy Falls upstream to source and all tributaries including Erick and Ordways creeks:

(i) Open the first Saturday in June through August 31.

(ii) Release all fish except adipose clipped trout as evidenced by a healed scar at the location of the adipose fin.

(iii) Trout: No minimum size.

(iv) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead. Three hatchery trout limit.

(v) Selective gear rules apply.

(2) **Battle Ground Lake (Clark County):**

(a) Closed the Monday before Thanksgiving Day through Thanksgiving Day.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: It is unlawful to retain more than 2 fish twenty inches or greater in length.

(3) **Blue Creek (Lewis County), from the mouth to Spencer Road:**

(a) Closed from posted sign above rearing pond outlet to Spencer Road.

(b) Anti-snagging rule applies.

(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.

(iv) Barbless hooks are required for steelhead.

(4) **Blue Lake (Cowlitz County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Catch and release only.

(5) **Blue Lake Creek (Lewis County):** Selective gear rules apply.

(6) **Butter Creek (Lewis County):**

(a) Selective gear rules apply.

(b) Trout: Minimum length 10 inches.

(7) **Canyon Creek (Clark County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Trout: Limit 5.

(8) **Canyon Creek tributaries including Fly, Little Fly, Big Rock, Sorehead, Jakes, and Pelvey creeks (Clark/Skamania counties):** Open.

(9) **Carlisle Lake (Lewis County):**

(a) Open the fourth Saturday in April through last day in February.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Landlocked salmon rules apply.

(10) **Carson Creek (Skamania County):** Selective gear rules apply.

(11) **Castle Lake (Cowlitz County):**

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Limit one; minimum length 16 inches.

(12) **Cedar Creek (tributary of N.F. Lewis) (Clark County):**

(a) From the mouth to Grist Mill Bridge:

(i) Open the first Saturday in June through August 31 and November 1 through March 15.

(ii) Selective gear rules apply.

(iii) Release all trout except anglers may retain up to 3 hatchery steelhead.

(iv) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the Grist Mill Bridge to 100 feet upstream of the falls: Closed.

(c) From 100 feet upstream of the falls upstream:

(i) Open the first Saturday in June through August 31.

(ii) Selective gear rules apply.

(iii) Release all fish except anglers may retain up to 3 hatchery steelhead.

(iv) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(13) **Cedar Creek tributaries including Bitter, Brush, Chelatchie, John, and Pup creeks (Clark County):** Selective gear rules apply.

(14) **Chinook River (Pacific County):** From the Highway 101 Bridge upstream to source(-);

(a) Selective gear rules apply.

(b) Bass: No limit and no size restriction.

(c) Channel catfish: No limit.

(d) Walleye: No limit and no size restriction.

(15) **Cispus River (Lewis County):**

(a) Barbless hooks are required for salmon and steelhead.

(b) From the mouth to the North Fork:

(i) Open the first Saturday in June through October 31; release cutthroat.

(ii) Open from November 1 through the Friday before the first Saturday in June. Release all trout except anglers may retain up to 2 hatchery steelhead.

(iii) Salmon:

(A) Open year-round.

(B) Limit 6; minimum size 8 inches.

(C) Release wild coho and wild Chinook.

(D) From January 1 through July 31, anglers may retain up to 2 adults as part of the limit.

(E) From August 1 through December 31, up to 2 of the limit may be adult Chinook.

(16) Cispus River, North Fork (Lewis County):

(a) Selective gear rules apply.

(b) Trout: Release cutthroat.

(17) Coal Creek (Cowlitz County):

(a) From the mouth to 400 feet below the falls:

(i) Open the first Saturday in June through August 31 and November 1 through last day in February.

(ii) Selective gear rules apply.

(iii) Bass: No limit and no size restriction.

(iv) Channel catfish: No limit.

(v) Trout:

(A) Release all fish except anglers may retain up to 3 hatchery steelhead.

~~((iv))~~ (B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(vi) Walleye: No limit and no size restriction.

(b) From the falls to 400 feet downstream: Closed.

(c) From the falls upstream to source including all tributaries: Release all fish except trout.

(18) Coldwater Lake (Cowlitz County):

(a) The Coldwater Lake inlet and outlet streams are closed.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit one; minimum length 16 inches.

(19) Cougar Creek (tributary to Yale Reservoir) (Cowlitz County): Open the first Saturday in June through August 31.

(20) Coweeman River (Cowlitz County):

(a) From the mouth to Baird Creek:

(i) Open the first Saturday in June through August 31 and November 1 through March 15.

(ii) Release all trout, except anglers may retain up to 3 hatchery steelhead.

(iii) Barbless hooks are required for steelhead.

(iv) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From Baird Creek upstream to the source:

(i) Open the first Saturday in June through August 31.

(ii) Release all trout, except anglers may retain up to 3 hatchery steelhead.

(iii) Barbless hooks are required for steelhead.

(iv) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(21) Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County):

(a) The upstream boundary of the reservoir in the Cowlitz arm is at the posted Lewis County PUD sign on Peters Road.

(b) The upstream boundary of the reservoir in the Cispus arm is at the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms.

(c) Barbless hooks are required for salmon and steelhead.

(d) Open year-round.

(e) Trout:

(i) Release cutthroat.

(ii) Release rainbow trout, except those with a clipped adipose fin with a healed scar at the site of the clipped fin.

(iii) From September 1 through the last day in February: Limit 10.

(f) Salmon open year-round:

(i) Limit 6; minimum length 8 inches.

(ii) Release wild Chinook and wild coho.

(iii) From January 1 through July 31: No more than 2 adult salmon may be retained.

(iv) From August 1 through December 31: No more than 2 adult hatchery Chinook may be retained.

(22) Cowlitz River (Lewis County):

(a) From the boundary markers at the mouth to Mayfield Dam:

(i) The following areas are closed:

(A) From 400 feet or posted markers below Cowlitz Salmon Hatchery barrier dam to boundary markers near the Cowlitz Salmon Hatchery water intake approximately 1,700 feet upstream of the Cowlitz Salmon Hatchery barrier dam.

(B) From 400 feet below the Mayfield powerhouse upstream to Mayfield Dam.

(C) Within a 100 foot radius of the new Cowlitz Trout Hatchery outfall structure, except open to anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card within posted markers when adjacent waters are open.

(ii) Barbless hooks are required for salmon, steelhead, and cutthroat trout, except from June 1 through July 31.

(iii) Game fish:

(A) Bass: No limit and no size restriction.

(B) Channel catfish: No limit.

(C) Trout: Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(D) Walleye: No limit and no size restriction.

(iv) From Lexington Bridge to the barrier dam, fishing 2 poles is permissible so long as the angler possesses a valid two-pole endorsement.

(v) From the mouth of Mill Creek to the Cowlitz Salmon Hatchery barrier dam:

(A) April 1 through November 30:

(I) Anti-snagging rule applies. Anglers may only retain fish hooked in the mouth when the anti-snagging rule applies.

(II) Night closure in effect.

(B) It is unlawful to fish from a floating device.

(C) May 1 through June 15: It is unlawful to fish from the south side of the river.

- (vi) Trout: Open year-round.
- (A) First Saturday in June through March 31:
- (I) Limit 5; minimum length 12 inches.
- (II) Up to 3 hatchery steelhead may be retained.
- (III) Release wild cutthroat.
- (B) April 1 through the Friday before the first Saturday in June: Release all fish, except anglers may retain up to 3 hatchery steelhead.
- (vii) Salmon:
- (A) Open January 1 through July 31:
- (I) Limit 6; up to 2 hatchery adults may be retained.
- (II) Only hatchery Chinook and hatchery coho may be retained.
- (B) Open August 1 through December 31:
- (I) Limit 6; up to 2 adult hatchery Chinook may be retained.
- (II) Only hatchery Chinook and hatchery coho may be retained.
- (b) From the posted PUD sign on Peters Road to the mouth of Ohanapecosh River and the mouth of Muddy Fork:
- (i) Barbless hooks are required for salmon and steelhead.
- (ii) 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.
- (iii) Open the first Saturday in June through October 31: Release cutthroat.
- (iv) Open November 1 through the Friday before the first Saturday in June: Release trout except anglers may retain up to 2 hatchery steelhead.
- (v) Salmon:
- (A) Open January 1 through July 31:
- (I) Limit 6; up to 2 adult salmon may be retained.
- (II) Release wild coho and wild Chinook.
- (B) Open August 1 through December 31:
- (I) Limit 6; up to 2 adult hatchery Chinook may be retained.
- (II) Release wild coho and wild Chinook.
- (23) **Cowlitz River, Clear and Muddy Forks (Lewis County):**
- (a) Selective gear rules apply.
- (b) Release cutthroat.
- (24) **Davis Lake (Lewis County):** Open the fourth Saturday in April to last day in February.
- (25) **Deep River (Wahkiakum County): Mouth to town bridge:**
- (a) Game fish:
- (i) Open year-round.
- (ii) Channel catfish: No limit.
- (iii) Trout: Release all trout except anglers may retain up to 2 hatchery steelhead.
- (iv) Walleye and bass: No limit and no size restriction.
- (b) Salmon: Open year-round (~~from the mouth to town bridge~~):
- (i) 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:
- (ii) From January 1 through July 31:

- (A) Limit 6, of which no more than 2 may be adult salmon.
- (B) Release wild Chinook and wild coho.
- (iii) From August 1 through December 31:
- (A) Limit 6, of which no more than 2 may be adult Chinook.
- (B) Release chum and wild coho.
- (26) **Delemeter Creek (Cowlitz County):**
- (a) Closed from 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek.
- (b) Release all fish except mandatory hatchery steelhead retention. Three hatchery trout limit. No catch and release of hatchery steelhead.
- (c) Release all trout except hatchery steelhead and hatchery cutthroat.
- (d) Selective gear rules apply.
- (27) **Dog Creek (Skamania County):** From the falls upstream to the source, release all fish except trout.
- (28) **Drano Lake:** In the waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of the Highway 14 Bridge:
- (a) Barbless hooks are required for salmon and steelhead except from March 16 through June 30 and from October 1 through December 31.
- (b) Closed on Wednesdays beginning the second Wednesday in April through June 30.
- (c) Closed from 6 p.m. Tuesdays through 6 p.m. Wednesdays during the month of October.
- (d) March 16 through June 30: Night closure in effect.
- (e) August 1 through December 31: Anti-snagging rule applies.
- (f) May 1 through June 30 and October 1 through December 31:
- (i) Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.
- (ii) Two-pole fishing for salmon/steelhead is permissible so long as the angler possesses a two-pole endorsement.
- (g) The area west of a line projected from the 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.
- (ii) Channel catfish: No limit.
- (iii) Trout: Open January 1 through March 15; release trout, except anglers may retain up to 2 hatchery steelhead.
- (~~(iv)~~) (iv) Walleye: No limit and no size restriction.
- (i) Salmon and steelhead: Open March 16 through December 31:
- (i) From March 16 through July 31: Limit 2 hatchery steelhead or 2 hatchery Chinook, or one of each.
- (ii) From August 1 through December 31: Limit 6; no more than 3 adults, of which only 2 hatchery steelhead may be retained.

(29) Elochoman River (Wahkiakum County):

(a) The following areas are closed:

(i) The waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack.

(ii) The waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river.

(iii) 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.

(b) From the mouth to West Fork:

(i) Open the first Saturday in June through March 15.

(ii) August 1 through October 31: Anti-snagging rule, night closure, and stationary gear restriction apply.

(iii) August 1 through March 15: Barbless hooks are required for salmon and steelhead.

(iv) Trout: Release all fish except anglers may retain up to 3 hatchery steelhead.

(v) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(c) From the mouth to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack:

(i) Open the last Saturday in May through the Friday before the first Saturday in June for bass, channel catfish, salmon (~~and~~), steelhead, and walleye.

(ii) Selective gear rules apply.

(iii) Bass: No limit and no size restriction.

(iv) Channel catfish: No limit.

(v) Salmon and steelhead: Daily limit 6 fish; up to 3 may be hatchery adult Chinook or hatchery steelhead, and no more than 2 may be salmon.

~~((iii))~~ (A) Release wild Chinook salmon.

~~((iv))~~ (B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

~~((v) Selective gear rules apply.)~~

(vi) Walleye: No limit and no size restriction.

(vii) Salmon:

(A) Open the first Saturday in June through December 31.

(B) From the first Saturday in June through July 31: Limit 6 hatchery Chinook, of which no more than 2 may be adults.

(C) From August 1 through December 31:

(I) Limit 6 fish, of which no more than 2 may be adult Chinook.

(II) Release chum, wild coho, and wild Chinook.

(d) From West Fork upstream to the source:

(i) Release all fish except anglers may retain up to 3 hatchery steelhead.

(ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(30) Falls Creek (Cowlitz County):

(a) Selective gear rules apply.

(b) Bass: No limit and no size restriction.

(c) Channel catfish: No limit.

(d) Walleye: No limit and no size restriction.

(31) **Fort Borst Park Pond (Lewis County):** Open the fourth Saturday in April through the last day in February,

except closed the Monday before Thanksgiving Day through Thanksgiving Day.

(32) **Franz Lake (Skamania County):** Closed.

(33) **Germany Creek (Cowlitz County)** and all tributaries including John and Loper creeks:

(a) Open the first Saturday in June through August 31 and November 1 through March 15.

(b) Selective gear rules apply.

(c) Bass: No limit and no size restriction.

(d) Channel catfish: No limit.

(e) Trout:

(i) Release all trout except anglers may retain up to 3 hatchery steelhead.

~~((f))~~ (ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(f) Walleye: No limit and no size restriction.

(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) Release all fish except anglers may retain up to 3 hatchery steelhead.

(b) Selective gear rules apply.

(36) **Grays River (Wahkiakum County):** From the mouth to South Fork:

(a) Barbless hooks are required for salmon and steelhead.

(b) Open the first Saturday in June through March 15, except closed from Highway 4 Bridge to mouth of South Fork from October 16 through November 30.

(c) Closed from 400 feet below to 200 feet above the temporary weir while the weir is installed in the river.

(d) Anti-snagging rule, night closure and stationary gear restriction apply:

(i) From the mouth to the Highway 4 Bridge August 1 through November 15.

(ii) From the Highway 4 Bridge to the mouth of South Fork August 1 through October 15.

(e) Game fish:

(i) Release all fish except anglers may retain up to 3 hatchery steelhead.

~~((f))~~ (ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

~~((g))~~ (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) Salmon:

(i) From the mouth to the Highway 4 Bridge:

(A) Open the first Saturday in June through December 31.

(B) From the first Saturday in June through July 31: Limit 6 hatchery Chinook, of which no more than 2 may be adults.

- (C) From August 1 through December 31:
- (I) Limit 6, of which no more than 2 may be adult Chinook.
- (II) Release chum, wild coho, and unmarked Chinook.
- (ii) From the Highway 4 Bridge to the South Fork:
- (A) Open the first Saturday in June through October 15 and December 1 through December 31.
- (B) From the first Saturday in June through July 31: Limit 6 hatchery Chinook, of which no more than 2 may be adults.
- (C) From August 1 through October 15 and December 1 through December 31:
- (I) Limit 6 fish, of which no more than 2 may be adult Chinook.
- (II) Release chum, wild coho, and unmarked Chinook.
- ~~((H))~~ (g) From South Fork upstream to source: Selective gear rules apply.
- (37) Grays River, East Fork (Wahkiakum County):**
- (a) Selective gear rules apply.
- (b) Release all fish except anglers may retain up to 3 hatchery steelhead.
- (c) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
- (38) Grays River, South Fork (Wahkiakum County):**
- (a) Release all fish except anglers may retain up to 3 hatchery steelhead.
- (b) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
- (c) Selective gear rules apply.
- (39) Grays River, West Fork (Wahkiakum County):**
- (a) Downstream from the hatchery intake/footbridge:
- (i) Barbless hooks are required for salmon and steelhead.
- (ii) Open the first Saturday in June through March 15, except closed October 16 through November 30 from the posted markers approximately 300 yards below the hatchery road bridge downstream to the mouth.
- (iii) August 1 through November 15: Anti-snagging rule, night closure and stationary gear restriction apply.
- (iv) From the first Sunday in June through March 15: Release all fish except anglers may retain up to 3 hatchery steelhead.
- (v) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
- (vi) Salmon: Open from first Saturday in June through December 31.
- (A) From the first Saturday in June through July 31: Limit 6 hatchery Chinook, of which no more than 2 may be adults.
- (B) From August 1 through December 31:
- (I) Limit 6, of which not more than 2 may be adult Chinook.
- (II) Release chum, wild coho, and unmarked Chinook.
- (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.
- (iv) Selective gear rules apply.

- (40) Green River (Cowlitz County):**
- (a) From the mouth to Miner's Creek:
- (i) Catch and release except up to 3 hatchery steelhead may be retained.
- (ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
- (iii) From August 1 through November 30, barbless hooks are required for salmon and steelhead.
- (iv) The following areas are closed:
- (A) From 400 feet above and 400 feet below the salmon hatchery rack (or from the posted signs above and below the salmon hatchery rack) when the rack is installed in the river.
- (B) From 400 feet below to 400 feet above the water intake at the upper end of the hatchery grounds from September 1 through November 30.
- (C) From the 2800 Bridge to Miner's Creek.
- (v) September 1 through October 31: Anti-snagging rule applies and night closure in effect from the mouth to 400 feet below the salmon hatchery rack. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.
- (vi) Open the last Saturday in May through November 30.
- From the last Saturday in May through the Friday before the first Saturday in June in the waters from the mouth to 400 feet below the Toutle Hatchery water intake: Selective gear rules apply.
- (vii) Salmon:
- (A) Open August 1 through November 30.
- (B) Limit 6, no more than 2 adult Chinook may be retained.
- (C) Release chum, wild coho, and wild Chinook.
- (b) From Miner's Creek upstream to the source:
- (i) Open from the first Saturday in June through October 31.
- (ii) Selective gear rules apply.
- (iii) Catch and release only.
- (41) Grizzly Lake (Skamania County):** Closed.
- (42) Hamilton Creek (Skamania County):**
- (a) Selective gear rules apply.
- (b) Bass: No limit and no size restriction.
- (c) Channel catfish: No limit.
- (d) Trout:
- (i) Release all trout except anglers may retain up to 3 hatchery steelhead.
- ~~((E))~~ (ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
- ~~((F))~~ (e) Walleye: No limit and no size restriction.
- (f) All tributaries downstream from the Highway 14 Bridge: Closed.
- (43) Hemlock Lake (Trout Creek Reservoir) (Skamania County):** Closed.
- (44) Horseshoe Lake (Clark/Cowlitz counties):**
- (a) Trout: It is unlawful to retain more than 2 trout 20 inches or more in length.
- (b) Landlocked salmon rules apply.
- (45) Icehouse Lake (Skamania County):** It is unlawful to retain more than 2 trout 20 inches or greater in length.
- (46) Indian Heaven Wilderness Lakes (Skamania County):** Trout limit 3.

(47) Johnson Creek (Lewis County) (Cowlitz River tributary):

- (a) Selective gear rules apply.
- (b) Trout: Minimum length 10 inches.

(48) Kalama River (Cowlitz County):

(a) From boundary markers at the mouth upstream to 1,000 feet above the fishway at the upper salmon hatchery:

(i) Open year-round, except the following areas are closed:

(A) From 1,000 feet below to 1,000 feet above the fishway at upper salmon hatchery.

(B) From Modrow Bridge downstream to the markers 1,500 feet below the temporary rack when the rack is installed below Modrow Bridge.

(ii) Barbless hooks are required for salmon and steelhead.

(iii) ~~((Release all fish other than trout.~~

~~(iv))) 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))) (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))) (v) It is unlawful to fish from a floating device equipped with an internal combustion motor upstream of Modrow Bridge.~~

~~((vi))) (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))) (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.~~

~~((ix))) (viii) (viii) From the first Saturday in June through March 15: Release all fish except anglers may retain up to 3 adipose clipped trout as evidenced by a healed scar at the location of the adipose fin. No minimum size.~~

~~((x))) (ix) Salmon:~~

~~(A) Open January 1 through April 30:~~

~~(I) Limit 6 hatchery Chinook.~~

~~(II) No more than one adult hatchery Chinook may be retained.~~

~~(B) Open August 1 through December 31:~~

~~(I) Limit 6; no more than 2 adult hatchery Chinook may be retained.~~

~~(II) Release all salmon other than hatchery Chinook and hatchery coho.~~

~~(b) From 1,000 feet above the fishway at the upper salmon hatchery, upstream to Summers Creek:~~

~~(i) Open year-round.~~

~~(ii) It is unlawful to fish from a floating device equipped with a motor.~~

~~(iii) Selective gear rules apply.~~

~~(iv) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(v) From March 16 through the Friday before the first Saturday in June: Release all fish except anglers may retain up to 3 hatchery steelhead.~~

~~(vi) From the first Saturday in June through March 15: Release all fish except anglers may retain up to 3 adipose clipped trout as evidenced by a healed scar at the location of the adipose fin. No minimum size.~~

~~(c) From Summers Creek upstream to Kalama Falls:~~

~~(i) Closed from the 6420 Road (approximately one mile above the gate at the end of the county road) to Kalama Falls.~~

~~(ii) Open the first Saturday in June through March 31 for fly fishing only.~~

~~(iii) Release all fish, except anglers may retain up to 3 adipose clipped trout as evidenced by a healed scar at the location of the adipose fin.~~

~~(A) No minimum size.~~

~~(B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.~~

~~(d) From Kalama Falls upstream to source: Open.~~

(49) Kanaka Creek (Skamania County): Selective gear rules apply.

(50) Kidney Lake (Skamania County): Open the fourth Saturday in April through last day in February.

(51) Klineline Ponds (Clark County):

(a) Closed the Monday before Thanksgiving Day through Thanksgiving Day.

(b) It is unlawful to retain more than 2 trout 20 inches or more in length.

(52) Kress Lake (Cowlitz County):

(a) Closed the Monday before Thanksgiving Day through Thanksgiving Day.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) It is unlawful to retain more than 2 trout 20 inches or more in length.

(d) Landlocked salmon rules apply.

(53) Lamas Creek (Clark County):

(a) From the mouth to the footbridge at the lower falls:

(i) Open the first Saturday in June through August 31.

(ii) Release all fish except anglers may retain up to 3 hatchery steelhead.

(iii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(iv) Selective gear rules apply.

(b) From the footbridge at the lower falls upstream to the source: It is permissible to fish up to the base of Lamas Lake Dam.

(c) From footbridge at lower falls and from Round Lake upstream to source and all tributaries (Clark County) including Spring Branch, Big Ditch, Fifth Plain Creek, Matney Creek, Buck Creek, David Creek, North Fork and East Fork Lamas Creek (Clark County): Statewide season, minimum size, and limits apply.

(54) Lamas Creek, tributary of Cowlitz River (Lewis County):

(a) Selective gear rules apply.

(b) Trout: Limit 3.

(c) Release all trout except anglers may retain hatchery steelhead and hatchery cutthroat.

(55) Lewis River (Clark County):

(a) Mouth to the mouth of East Fork:

(i) Open year-round from the mouth to the mouth of East Fork.

(ii) Barbless hooks are required for salmon and steelhead.

(iii) Fishing 2 poles is permissible from Railroad Bridge near Kuhns Road upstream to mouth of East Fork Lewis, so long as the angler possesses a two-pole endorsement.

(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) Salmon:

(A) Open January 1 through April 30: Limit 6 hatchery Chinook; no more than one may be an adult.

(B) Open August 1 through September 15:

(I) Limit 6 hatchery salmon; no more than 2 may be adult hatchery Chinook.

(II) Release all salmon except hatchery Chinook and hatchery coho.

(C) Open September 16 through December 31:

(I) Limit 6; no more than 2 may be adult Chinook.

(II) Release all salmon except Chinook and hatchery coho.

(b) From the mouth of East Fork to Colvin Creek:

(i) Open year-round except the following areas are closed:

(A) From Johnson Creek upstream May 1 through May 31.

(B) Those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder.

(ii) Barbless hooks are required for salmon and steelhead.

(iii) Fishing 2 poles is permissible from the mouth to Johnson Creek, so long as the angler possesses a valid 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) Bass: No limit and no size restriction.

(vi) Channel catfish: No limit.

(vii) 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.

~~((+))~~ (viii) Walleye: No limit and no size restriction.

(ix) Salmon:

(A) Open August 1 through April 30.

(B) From August 1 through September 15: Limit 6 hatchery Chinook or hatchery coho; only 2 adult hatchery Chinook may be retained.

(C) From September 16 through December 31: Limit 6 Chinook or hatchery coho; only 2 adult Chinook may be retained.

(D) From January 1 through April 30: Limit 6 hatchery Chinook; only one may be an adult salmon. Release all other salmon.

(c) From the mouth of Colvin Creek to the overhead powerlines at Merwin Dam:

(i) Barbless hooks are required for salmon and steelhead.

(ii) Open June 1 through October 31 and December 16 through April 30.

(iii) Anti-snagging rule applies and night closure in effect April 1 through April 30 and June 1 through October 31. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(iv) Bass: No limit and no size restriction.

(v) Channel catfish: No limit.

(vi) Trout:

(A) Release all fish except anglers may retain up to 3 hatchery steelhead.

(B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

~~((+))~~ (vii) Walleye: No limit and no size restriction.

(viii) Salmon:

(A) Open August 1 through October 31 and December 16 through April 30.

(B) From January 1 through April 30: Limit 6 hatchery Chinook; only one may be an adult salmon.

(C) From August 1 through September 15: Limit 6 hatchery salmon; only 2 may be adult hatchery Chinook. Release all salmon except hatchery Chinook and hatchery coho.

(D) From September 16 through October 31 and December 16 through December 31: Limit 6 salmon; only 2 may be adult Chinook. Release all salmon except Chinook and hatchery coho.

(d) From the overhead powerlines below Merwin Dam to Merwin Dam: Closed.

(e) From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed.

(f) 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.

(g) Within Lewis River Power Canal from the fishing pier to the access road at Swift Dam:

(i) Open the fourth Saturday in April through October 31.

(ii) It is unlawful to fish from a floating device.

(iii) Trout: Limit 5; no minimum size.

(A) From Eagle Cliff Bridge to the lower falls, including all tributaries: Selective gear rules apply.

(B) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(C) Catch and release only.

(h) From lower falls upstream and all tributaries including Copper, Alec, Quartz, Straight (tributary of Quartz), Snagtooth (tributary of Quartz), French (tributary of Quartz), Tillicum, Steamboat, Pin, Pass, Swampy, Riley, No Name (tributary of Riley), Big Spring (tributary of Riley), Mutton

(tributary of Riley), and Boulder creeks (Skamania Co.): Statewide season, minimum size, and limits.

(56) Lewis River, East Fork (Clark/Skamania counties):

(a) The following areas are closed:

(i) From the posted markers at the lower end of Big Eddy to 100 feet above Lucia Falls.

(ii) From 400 feet below to 400 feet above Moulton Falls.

(iii) From 400 feet below Horseshoe Falls upstream, including all tributaries above Horseshoe Falls.

(b) From the mouth to 400 feet below Horseshoe Falls:

(i) Open the first Saturday in June through March 15.

(ii) Barbless hooks are required for steelhead.

(iii) Release all trout except anglers may retain up to 3 hatchery steelhead.

(iv) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(c) From the mouth to the top boat ramp at Lewisville Park:

(i) Additional hatchery steelhead season from April 16 through the Friday before the first Saturday in June.

(ii) Selective gear rules apply.

(iii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(iv) Release all fish except anglers may retain up to 3 hatchery steelhead.

(57) Little Ash Lake (Skamania County): It is unlawful to retain more than 2 trout 20 inches or more in length.

(58) Little Washougal River (Clark County):

(a) Release all fish except anglers may retain up to 3 hatchery steelhead.

(b) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(c) Selective gear rules apply.

(59) Little White Salmon River (Skamania County) and all tributaries including Rock, Lapham, Lava, Moss, Wilson, Cabbage, Berry, Lusk, Homes, and Beetle creeks:

(a) Open the Saturday before Memorial Day through October 31, except Little White Salmon River is closed from the orange fishing boundary markers at Drano Lake upstream to the intake near the north boundary of the Little White Salmon National Fish Hatchery.

(b) Release all fish except trout.

(c) Trout: Limit 5.

(60) Love Lake (Clark County): Closed.

(61) Mayfield Lake (Reservoir) (Lewis County):

(a) Open from the Mayfield Dam to Onion Rock Bridge.

(b) From the Tacoma Power safety signs at Onion Rock Bridge to Mossyrock Dam: Closed.

(c) Trout:

(i) Minimum length 8 inches.

(ii) Release cutthroat and rainbow trout, except it is permissible to retain rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin.

(iii) September 1 through last day in February: Limit 10.

(d) Salmon open September 1 through December 31:

(i) Minimum length 8 inches.

(ii) Limit 6, no more than 2 may be adult salmon.

(iii) Release wild coho and wild Chinook.

(62) Merrill Lake (Cowlitz County):

(a) Open for fly fishing only.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Catch and release only.

(63) Merwin Lake (Reservoir) (Clark/Cowlitz counties):

(a) Landlocked salmon rules apply.

(b) Kokanee: Limit 10; kokanee do not count as part of the trout limit.

(64) Merwin Lake (Reservoir) (Clark/Cowlitz counties) tributaries including Marble, Cape Horn, Day, Jim, Indian George, Squaw, Buncombe Hollow, Rock creeks, Speelyai Creek and its tributaries, Brooks, and West Fork creeks (except Canyon Creek): Statewide season, minimum size, and limits apply.

(65) Mill Creek (Cowlitz County):

(a) Open the first Saturday in June through August 31 and November 1 through March 15.

(b) Selective gear rules apply.

(c) Bass: No limit and no size restriction.

(d) Channel catfish: No limit.

(e) Trout:

(i) Release all trout except anglers may retain up to 3 hatchery steelhead.

~~((+))~~ (ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(f) Walleye: No limit and no size restriction.

(66) Mill Creek (Lewis County): From the mouth to the hatchery road crossing culvert.

(a) Selective gear rules apply.

(b) Open the first Saturday in June through October 31 and from December 1 through December 31.

(c) Anti-snagging rule applies and night closure in effect December 1 through December 31.

(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.

(67) Mineral Lake (Lewis County): Open the fourth Saturday in April through September 30.

(68) Mulholland Creek (Cowlitz County):

(a) Catch and release except anglers may retain up to 3 hatchery steelhead.

(b) Selective gear rules apply.

(69) Nelson Creek (Skamania County): Selective gear rules apply.

(70) Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties):

(a) Selective gear rules apply.

(b) Trout: Minimum length 12 inches.

(71) Olequa Creek (Lewis/Cowlitz counties):

(a) Closed from 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek.

(b) Trout: Limit 3.

(c) Release all trout except hatchery steelhead and hatchery cutthroat.

(d) Selective gear rules apply.

(e) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(72) **Ostrander Creek (Cowlitz County):** Selective gear rules apply.

(73) **Outlet Creek (Cowlitz County):**

(a) First Saturday in June through November 30.

(b) Trout:

(i) Release all trout except anglers may retain up to 3 hatchery steelhead.

(ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(c) Selective gear rules apply.

(74) **Packwood Lake (Lewis County):**

(a) Closed: All inlet streams and the outlet from the log boom to the dam.

(b) Open the fourth Saturday in April through October 31.

(c) Selective gear rules apply.

(d) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(e) Trout: Minimum length 10 inches.

(75) **Plummer Lake (Lewis County):** Open the fourth Saturday in April through the last day in February.

(76) **Rainey Creek (Lewis County):**

(a) Open from the mouth to Highway 12.

(b) Trout limit 5; release cutthroat and rainbow trout, except it is permissible to retain rainbow trout that have a clipped adipose fin and a healed scar at the location of the clipped fin.

(77) **Riffe Lake (Reservoir) (Lewis County):**

(a) Open from Mossyrock Dam to Cowlitz Falls Dam, except closed from Cowlitz Falls Dam downstream to the Lewis County PUD safety signs located approximately 800 feet below the dam.

(b) It is permissible to fish up to the base of Swofford Pond Dam.

(c) Landlocked salmon rules apply.

(78) **Riffe Lake (Reservoir) tributaries (Lewis County)** (excluding Rainey Creek), including Sulphur, Simmons, Swigert, Shelton, Steel Canyon, Indian, Sand, Landers, Peterson, Goat, and Tumwater creeks: Statewide season, minimum size, and limits apply.

(79) **Rock Creek (Skamania County):**

(a) Open from the mouth to the falls at approximately river mile one.

(i) From the first Saturday in June through March 15.

(ii) Bass: No limit and no size restriction.

(iii) Channel catfish: No limit.

(iv) Trout:

(A) Release all trout except anglers may retain up to 3 hatchery steelhead.

(B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(C) Barbless hooks are required for steelhead.

(v) Walleye: No limit and no size restriction.

(b) From the falls upstream to source/headwaters and all tributaries including Spring Creek, Hot Springs, Budweiser Creek, Forest Creek, Steep Creek, North Fork Rock Creek, and Snag Creek: Statewide seasons, minimum size, limits apply.

(80) **Salmon Creek (Clark County):** From the mouth to 182nd Avenue Bridge:

(a) Open the first Saturday in June through March 15.

(b) Bass: No limit and no size restriction.

(c) Channel catfish: No limit.

(d) 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))~~ (e) Steelhead: Barbless hooks are required ~~((for steelhead)).~~

(f) Walleye: No limit and no size restriction.

(81) **Salmon Creek (Lewis County):**

(a) Release all fish except anglers may retain up to 3 hatchery trout.

(b) Release all trout except hatchery steelhead and hatchery cutthroat.

(c) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(d) Selective gear rules apply.

(82) **Silver Lake (Cowlitz County):** Crappie limit 10; minimum length 9 inches.

(83) **Silver Creek (tributary to Cowlitz River) (Lewis County):**

(a) Open from the mouth to USFS Road 4778.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(84) **Skamokawa Creek (Wahkiakum County):**

(a) Open the first Saturday in June through August 31.

(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.

~~((e))~~ (f) Selective gear rules apply.

(85) **Skate Creek (tributary to Cowlitz River) (Lewis County):**

(a) Release all cutthroat.

(b) Selective gear rules apply.

(86) **South Lewis County Park Pond (Lewis County):**

Closed the Monday before Thanksgiving Day through Thanksgiving Day.

(87) **Spirit Lake (Skamania County):** Closed.

(88) **Stillwater Creek (Lewis County):**

(a) Trout: Limit 3.

(i) Release all trout except hatchery steelhead and hatchery cutthroat.

(ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) Selective gear rules apply.

(89) **Swift Reservoir (Skamania County):**

(a) Open the first Saturday in June through November 30.

(b) Release all trout, except rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin may be retained.

(c) From the posted markers approximately 3/8 mile below Eagle Cliff Bridge to the bridge: Selective gear rules apply.

(d) From the dam to the markers approximately 3/8 mile below Eagle Cliff Bridge: Trout limit 10 from September 1 through November 30.

(e) Salmon:

(i) Open the first Saturday in June through November 30.

(ii) Landlocked salmon rules apply.

(iii) Maximum length 15 inches.

(90) **Swift Reservoir tributaries (Skamania County)** including Ole, Swift, Worm, Diamond, Marble, Range, Drift, and Camp creeks: Selective gear rules apply.

(91) **Swofford Pond (Lewis County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.

(92) **Tilton River (Lewis County):**

(a) Open year-round from the mouth to the West Fork.

(b) Barbless hooks are required for salmon and steelhead.

(c) First Saturday in June through July 31: Selective gear rules apply.

(d) September 1 through October 31: Anti-snagging rule applies and night closure in effect. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(e) Release all cutthroat.

(f) Salmon open August 1 through December 31:

(i) Minimum length 8 inches.

(ii) Limit 6; no more than 2 adult Chinook may be retained.

(iii) Release wild coho and wild Chinook.

(93) **Tilton River, East, North, South and West Forks (Lewis County):**

(a) Selective gear rules apply.

(b) Trout: Minimum length 12 inches.

(94) **Toutle River (Cowlitz County):** From the mouth to the forks, and the North Fork from the mouth to the posted deadline below the fish collection facility:

(a) Open the first Saturday in June through November 30.

(b) September 1 through October 15: Anti-snagging rule applies and night closure in effect on the North Fork from the confluence with the South Fork to the mouth of Green River.

(c) Barbless hooks are required for salmon and steelhead.

(d) Game fish:

(i) Release all fish except anglers may retain up to 3 hatchery steelhead.

(ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(e) Salmon open August 1 through November 30:

(i) Limit 6, no more than 2 may be adult Chinook.

(ii) Release chum, wild coho, and wild Chinook.

(95) **Toutle River, South Fork (Cowlitz County):**

(a) Release all fish except anglers may retain up to 3 hatchery steelhead.

(b) Trout:

(i) Barbless hooks are required for steelhead from August 1 through November 30.

(ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(c) 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.

(d) 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.

(e) From 4100 Road Bridge upstream to source: Open the first Saturday in June through November 30.

(96) **Tunnel Lake (Skamania County):** It is unlawful to retain more than 2 trout 20 inches or more in length.

(97) **Vancouver Lake and all other waters west of Burlington Northern Railroad from the Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County):**

(a) Vancouver Lake flushing channel and the lake shoreline 400 feet east and west of the channel exit: Closed April 1 through May 31.

(b) Chumming is permissible.

(c) Trout: Release all trout except anglers may retain up to 2 hatchery steelhead.

(98) **Walupt Lake (Lewis County):**

(a) All inlet streams are closed.

(b) Open the fourth Saturday in April through October 31.

(c) Selective gear rules apply.

(d) Trout: Minimum length 10 inches.

(99) **Washougal River (Clark County):** From the mouth to the ~~((bridge at Salmon Falls))~~ Mount Norway Bridge at Vernon Road:

(a) Closed from 1,000 feet (or posted markers) below to 200 feet above the temporary weir when the weir is installed in the river.

(b) Open the first Saturday in June through March 15.

(c) Barbless hooks are required for salmon and steelhead.

(d) Night closure in effect:

(i) Year-round from the mouth to Mount Norway Bridge.

(ii) August 1 through October 31 from Mount Norway Bridge upstream.

(e) Anti-snagging rule applies:

(i) July 1 through October 31 from the mouth to Mount Norway Bridge; and

(ii) August 1 through October 31 from Mount Norway Bridge upstream.

(iii) When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(f) Bass: No limit and no size restriction.

(g) Channel catfish: No limit.

(h) Trout:

(i) Release all trout except anglers may retain up to 3 hatchery steelhead.

(ii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

~~((g))~~ (i) Walleye: No limit and no size restriction.

~~(j)~~ Open from ~~((the mouth to Mount Norway Bridge))~~
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.

- ~~((H))~~ (v) Walleye: No limit and no size restriction.
- (k) Salmon:

(i) Open August 1 through December 31.

(ii) Limit 6; no more than 2 adults may be hatchery Chinook.

(iii) Release chum, wild coho, and wild Chinook.

(100) Washougal River, West (North) Fork (Clark/Skamania counties):

(a) From the mouth to the water intake at the department hatchery: Closed.

(b) From the intake at the department hatchery to the source:

- (i) Open the first Saturday in June through March 15.
- (ii) Trout:

(A) Release all trout except anglers may retain up to 3 hatchery steelhead.

(B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(iii) Barbless hooks are required for steelhead.

(101) Willame Lake (Lewis County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit 2; minimum length 15 inches.

(102) Wind River (Skamania County):

(a) From the mouth to 100 feet above Shipherd Falls:

(i) Barbless hooks are required for salmon and steelhead except from March 16 through June 30.

(ii) Closed from 400 feet below to 100 feet above Shipherd Falls fish ladder, including all tributaries.

(iii) March 16 through June 30: 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.

~~((H))~~ (xi) Salmon and steelhead:

(A) Open March 16 through July 31:

(I) Limit 2; no more than 2 salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release wild Chinook.

(B) Open August 1 through October 31:

(I) From the mouth to the Highway 14 Bridge, the limit and retention regulations for hatchery and wild fish follows the most liberal regulations of the mainstem Columbia and Wind rivers when both areas are open concurrently for salmon.

(II) Limit 6; up to 2 adults may be retained.

(III) Release wild coho and wild Chinook.

(xii) Walleye: No limit and no size restriction.

(b) From 100 feet above Shipherd Falls to Moore Bridge:
(i) The following areas are closed: All tributaries; from 400 feet below to 100 feet above Coffey Dam.

(ii) From 100 feet above Shipherd Falls to 800 yards downstream from Carson National Fish Hatchery:

(A) Open September 16 through November 30:

(I) Catch and release only.

(II) Selective gear rules apply.

(B) Salmon and steelhead open May 1 through June 30:

(I) Limit 2; no more than 2 salmon, or 2 hatchery steelhead, or one of each, may be retained;

(II) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead;

(III) Anti-snagging rule applies;

(IV) Only fish hooked inside the mouth may be retained;

(V) Night closure in effect.

(ii) From 800 yards downstream from Carson National Fish Hatchery to Moore Bridge open September 16 through November 30:

(A) Catch and release only.

(B) Selective gear rules apply.

(103) Winston Creek (tributary to Cowlitz River) (Lewis County):

(a) Selective gear rules apply.

(b) Trout: Minimum length 10 inches.

(104) Yale Reservoir (Cowlitz County):

(a) Kokanee: Limit 16; kokanee do not count toward the trout limit.

(b) Landlocked salmon rules apply.

(105) Yale Reservoir tributaries (Cowlitz and Clark counties) excluding Cougar Creek and including Dog, Dry, Siouxon and its tributaries including North Siouxon, West, Horseshoe, Wildcat, Chinook, and Calamity creeks: State-wide season, minimum size and limits apply.

(106) Yellowjacket Creek (tributary to Cispus River) (Lewis County):

(a) Selective gear rules apply.

(b) Trout: Minimum length 12 inches.

AMENDATORY SECTION (Amending WSR 15-13-081, filed 6/12/15, effective 7/13/15)

WAC 220-310-190 Freshwater exceptions to state-wide rules—Puget Sound. (1) Beaver ponds located within or adjacent to streams that drain into Puget Sound listed as open to trout and other game fish follow the same rules as the adjacent stream.

(2) **County-wide freshwater exceptions to statewide rules:**

(a) Beaver ponds in Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3):

(i) Open the fourth Saturday in April through October 31.

(ii) Trout: No minimum length.

(b) Beaver ponds in Kitsap County and Mason County east of Belfair-Bremerton Highway (S.R. 3):

(i) Open the first Saturday in June through October 31.

(ii) Trout: No minimum length.

(3) **Alder Lake (Thurston County):** Kokanee limit 10; kokanee do not count toward the trout daily limit. See also Nisqually River.

(4) **Aldrich Lake (Mason County):** ~~((a))~~ Open the fourth Saturday in April through October 31 ~~(-~~

~~(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length).~~

(5) **Alexander Lake (Kitsap County):** Closed.

(6) **All Creek (Skagit County) (Suittle River tributary):**

(a) Open the first Saturday in June through October 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) **American Lake (Pierce County):** ~~((a))~~ Chumming is permissible.

~~((b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length except there are no size restrictions for kokanee.)~~

(9) **Anderson Creek (Kitsap County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

(10) **Anderson Creek (Whatcom County) (Nooksack River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(11) **Armstrong Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

(12) **Bacon Creek (Skagit County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

(13) **Bacus Creek (Skagit County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(14) **Bainbridge Island - All streams (Kitsap County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

(15) **Baker Lake (Whatcom County):**

(a) Chumming is permissible.

(b) Closed waters within a two hundred foot radius around the pump discharge at the south end of the lake.

(c) Open the fourth Saturday in April through October 31:

(d) ~~((Fro))~~ Kokanee: Minimum length ~~((6))~~ 8 inches and maximum length 18 inches.

(e) Salmon: Open July 10 through September 7.

(i) Sockeye: Limit 4; minimum length 18 inches.

(ii) Each angler aboard a vessel may deploy salmon angling gear until the limit for all licensed and juvenile anglers aboard is reached.

(16) **Baker River (Skagit County):**

(a) From the mouth to Highway 20 Bridge:

(i) Open September 1 through October 31.

(ii) Night closure in effect.

(iii) Anti-snagging rule applies.

(iv) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(b) From the Highway 20 Bridge to the Baker River fish barrier dam: Closed.

(c) From the Baker River fish barrier dam to the headwaters to Shannon and Baker lakes, including tributaries and their tributaries, except Channel Creek: Open the first Saturday in June through October 31.

(17) **Barnaby Slough (Skagit County):** Closed.

~~((18))~~ ~~**Bay Lake (Pierce County):**~~ Open the fourth Saturday in April through October 31.

~~((19))~~ **Beaver Creek (Pierce County) (South Prairie Creek tributary):** Open the first Saturday in June through October 31.

~~((20))~~ **(19) Beaver Creek (Thurston County) from the mouth to I-5:**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Night closure in effect.

(d) Trout: Minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length as part of the limit.

~~((21))~~ **(20) Beaver Lake (King County):** Trout: No more than 2 over 15 inches in length.

~~((22))~~ **(21) Benson Lake (Mason 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.~~

~~((23))~~ **(22) Bertrand Creek (Whatcom County) (Nooksack River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((24))~~ **(23) Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties):** Open the first Saturday in June through August 31 to juvenile anglers only.

~~((25))~~ (24) Big Beaver Creek (Whatcom County), from 1/4 mile upstream of the closed water markers on Ross Lake upstream, including tributary streams and beaver ponds:

- (a) Open July 1 through October 31.
- (b) Selective gear rules apply.
- (c) Catch and release only.

~~((26))~~ (25) Big Beef Creek (Kitsap County):

- (a) From Seabeck Highway Bridge to Lake Symington:
 - (i) Open the first Saturday in June through August 31.
 - (ii) Selective gear rules apply.
 - (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (iv) Catch and release only.
 - (v) August 1 through August 31: Closed within 100 feet of the Seabeck Highway N.W. Bridge.

(b) From Lake Symington upstream:

- (i) Open the first Saturday in June through October 31.
- (ii) Selective gear rules apply.
- (iii) Trout: Catch and release only.

~~((27))~~ (26) Big Creek (Skagit County) (Suiattle River tributary):

- (a) From TeePee Falls to the source: Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((28))~~ (27) Big Lake (Skagit County):

- (a) Crappie: Limit 10; minimum length 9 inches.
- (b) Salmon: Landlocked salmon rules apply.

~~((29))~~ (28) Big Mission Creek (Mason County):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Catch and release only.

~~((30))~~ (29) Big Quilcene River (Jefferson County):

(a) From the mouth to Rodgers Street:

(i) Open the first Saturday in June through August 15.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(b) From Rodgers Street to the Highway 101 Bridge:

(i) Open the first Saturday in June through October 31.

(ii) Catch and release only.

(iii) From the first Saturday in June through August 15:

(A) Selective gear rules apply.

(B) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) August 16 through October 31:

(A) Night closure in effect.

(B) Single-point barbless hooks are required.

(v) Salmon:

(A) Open August 16 through October 31.

(B) Limit 4 coho only; only coho hooked inside the mouth may be retained.

(c) From the electric weir at Quilcene National Fish Hatchery to the upper boundary of Falls View campground:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(d) From the upper boundary of Falls View campground upstream: Open the Saturday before Memorial Day through October 31.

(30) Big Scandia Creek (Kitsap County):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Trout: Minimum size 14 inches.

(31) Big Soos Creek (King County): From the mouth to the hatchery rack:

- (a) Open the first Saturday in June through August 31.
- (b) Trout: Minimum length 14 inches.

(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.

~~((b))~~ Trout: It is unlawful to retain more than 2 trout over 14 inches in length.)

(35) Black Lake Ditch (Thurston County): ~~((+))~~ Open the first Saturday in June through October 31) From the confluence with Percival Creek upstream to Black Lake.

~~((+))~~ (a) Open the first Saturday in June through October 31.

(i) Selective gear rules apply.

~~((+))~~ (ii) Trout: Minimum size 14 inches.

(b) Open November 1 through the first Friday in June: Catch and release only.

(36) Blackjack Creek (Kitsap County):

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Trout: Minimum size 14 inches.

(37) Blackman's Lake (Snohomish County): Trout limit ~~((3))~~ 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) Boise Creek (King County) (White River tributary): Open the first Saturday in June through October 31 upstream of the Highway 410 crossing.

(40) 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 October 31.
- (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 October 31.

- (ii) Selective gear rules apply.
- (iii) Release all fish except anglers may retain up to 2 hatchery steelhead.
- (b) From Boulder Falls upstream: Open the Saturday before Memorial Day through October 31.
- (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) **Bradley Lake (Pierce County):**
- (a) Open May 15 through the last day of free fishing weekend, as defined in WAC 220-55-160, to juvenile anglers only.
- (b) Salmon: Landlocked salmon rules apply.
- (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 October 31 from the upstream boundary of Buck Creek campground.
- (b) Selective gear rules apply.
- (48) **Buck Lake (Kitsap County):** ~~((a))~~ Open the fourth Saturday in April through October 31.
- ~~((b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.)~~
- (49) **Burley Creek (Kitsap County):**
- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Trout: Minimum length 14 inches.
- (50) **Cadet Creek (Snohomish County) (Sauk River tributary):**
- (a) Open the first Saturday ~~((in June))~~ before Memorial Day through October 31.
- (b) Selective gear rules apply.
- (51) **Cady Lake (Mason County):**
- (a) Open to fly fishing only.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (c) Catch and release only.
- (52) **Cain Lake (Whatcom County):** Open the fourth Saturday in April through October 31.
- (53) **California Creek (Whatcom County):**
- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (54) **Calligan Lake (King County):**
- (a) Open June 1 through October 31.
- (b) All tributary streams and the upper third of the outlet are closed.
- (c) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- (55) **Camp Creek (Snohomish County) (Whitechuck River tributary):**
- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (56) **Campbell Creek (Mason County):**
- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Trout: Catch and release only.
- (57) **Campbell Lake (Skagit County):** ~~((Crappie limit ten; minimum length 9 inches.))~~ Grass carp: No limit for anglers and bow and arrow fishing.
- (58) **Canyon Creek (Snohomish County) (Suiattle River tributary):**
- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (59) **Canyon Creek (Snohomish County) (S.F. Stillaguamish River):**
- (a) Open the first Saturday in June through January 31 from the mouth to the forks.
- (b) Selective gear rules apply.
- (c) Release all fish except anglers may retain up to 2 hatchery steelhead.
- (60) **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.
- (61) **Capitol Lake (Thurston County):** Closed.
- (62) **Carbon River (Pierce County):**
- (a) From the mouth to Voight Creek:
- (i) Open September 1 through January 15.
- (ii) From September 1 through November 30: Night closure in effect and anti-snagging rule applies.
- (iii) Trout:
- (A) September 1 through November 30: Minimum length 14 inches.
- (B) From December 1 through January 15:
- (I) Selective gear rules apply.
- (II) Release all fish except anglers may retain up to 2 hatchery steelhead.
- (iv) Salmon:
- (A) Open September 1 through November 30.
- (B) Limit 6 fish of which no more than 4 may be adult salmon and, of the 4 adults, no more than 2 may be adult hatchery Chinook.
- (C) Release chum and wild adult Chinook salmon.
- (b) From Voight Creek to the Highway 162 Bridge:
- (i) Open from November 1 through January 15.
- (ii) Selective gear rules apply.
- (iii) Release all fish except anglers may retain up to 2 hatchery steelhead.
- (63) **Carney Lake (Pierce County):**
- (a) Open the fourth Saturday in April through June 30 and September 1 through November 30.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (c) ~~((Trout: It is unlawful to retain more than 2 trout over 14 inches in length.))~~
- ~~((d))~~ Salmon: Landlocked salmon rules apply.
- (64) **Carson Lake (Mason County):** Open the fourth Saturday in April through October 31.

(65) Cascade Creek (San Juan County):

(a) Open the first Saturday in June through October 31 from the mouth to Cascade Lake.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain ~~((up to 10))~~ eastern brook trout.

(66) Cascade Lake (San Juan County): Open the fourth Saturday in April through October 31.

(67) Cascade River (Skagit County):

(a) From the mouth to the Rockport-Cascade Road Bridge:

(i) Open June 1 through July 15 and September 16 through ~~((February 15))~~ January 31:

(A) Anti-snagging rule applies and night closure in effect June 1 through July 15 and September 16 through November 30.

(B) Trout: Limit 2; minimum length 14 inches ~~((except))~~. 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:

(I) Up to 4 hatchery Chinook may be retained; only 2 hatchery Chinook may be adults.

(II) Release all other salmon.

(B) Open September 16 through November 30:

(I) Up to 4 coho may be retained.

(II) Release all other salmon.

(b) From the Rockport-Cascade Road Bridge upstream:

(i) Open the first Saturday in June through January 31.

(ii) Selective gear rules apply.

(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.

~~(68) **Cassidy Lake (Snohomish County):** Crappie limit 10; minimum length 9 inches.~~

~~((69))~~ **Cavanaugh Creek (Whatcom County) and all tributaries:** Open the Saturday before Memorial Day through October 31 upstream from where Cavanaugh Creek first flows into Whatcom County, 0.4 lineal miles from its confluence with the South Fork Nooksack River.

~~((70))~~ **(69) Cavanaugh Lake (Skagit County):** Chumming is permissible.

~~((71))~~ **(70) Cayada Creek (Pierce County) (Carbon River tributary):** Open the first Saturday in June through October 31.

~~((72))~~ **(71) Cedar Creek (Mason County):** Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through October 31.

~~((73))~~ **(72) Cedar River (King County):**

(a) Open the first Saturday in June through August 31 from the mouth to Landsburg Road.

(b) Selective gear rules apply and night closure.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Catch and release only.

~~((74))~~ **(73) Chain Lake (Snohomish County):**

(a) Selective gear rules apply.

(b) Trout: Limit 2; minimum length 14 inches.

(74) Chambers Creek (Pierce County):

(a) From the mouth (Burlington Northern Bridge) to the markers 400 feet below the Boise-Cascade Dam (Pierce County):

(i) Selective gear rules apply, except bait is permissible September 1 through October 15.

(ii) Open July 1 through November 15 for game fish and salmon.

~~((ii))~~ (iii) Night closure in effect and anti-snagging rule applies.

~~((iii))~~ (iv) Trout: ((Minimum length 14 inches)) Catch and release.

~~((iv))~~ (v) Salmon:

(A) Limit 6 fish of which no more than 4 may be adult salmon.

(B) Release wild coho.

(b) From Boise-Cascade Dam to Steilacoom Lake:

(i) Open July 1 through October 31.

(ii) Night closure in effect and selective gear rules apply.

(iii) Trout: Minimum size 14 inches.

(75) Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County):

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Catch and release only.

(76) Channel Creek (Skagit County) (Baker River tributary): Open the first Saturday in June through August 31.

(77) Chaplain Creek (Snohomish County) (Sultan River tributary):

(a) Above the falls near the mouth to the dam at Chapman Lake, including tributaries and beaver ponds; Open the Saturday before Memorial Day through October 31 ~~((above the falls near the mouth to the dam at Chapman Lake, including tributaries and beaver ponds)).~~

(b) From the beaver pond (Grass Lake) below the water filtration plant gate upstream: Closed.

(78) Chaplain Lake (Snohomish County): Closed.

(79) 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.

(80) Chilliwack River (Whatcom County): Open the first Saturday in June through October 31, including all tributaries and their tributaries.

(81) Church Creek (Mason County): Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through October 31 upstream of the bridge on U.S. Forest Service Road #2361.

(82) Clara Lake (also known as "Don Lake") (Mason 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.

(83) Clarks Creek (Pierce County):

(a) Open the first Saturday in June through August 15 from the mouth to 12th Avenue S.W.

(b) Selective gear rules apply.

(c) Trout: Limit 2; minimum length 14 inches.

(84) Clear Creek (Snohomish County) (Sauk River tributary): Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through October 31 from Asbestos Creek Falls.

(85) Clear Lake (Pierce County):

(a) Open the fourth Saturday in April through October 31.

(b) Chumming is permissible.

~~((Trout: It is unlawful to retain more than 2 trout over 14 inches in length, except there are))~~ **Kokanee: Limit 10;** no size restrictions ~~((for kokanee)).~~

(d) Salmon: Landlocked salmon rules apply.

(86) Clear 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.))~~

(87) Clearwater River (Pierce County):

(a) Open July 1 through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(88) Clover Creek (Pierce County):

(a) Open July 1 through October 31 upstream of Steila-coom Lake, including all tributaries.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

(89) Coal Creek (tributary of Lake Washington)

(King County): Open the first Saturday in June through August 31 to juvenile anglers only.

(90) 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.

~~((Collins Lake (Mason County): Open the fourth Saturday in April through October 31.~~

~~((92))~~ **Copper Creek (Snohomish County) (Clear Creek tributary, a tributary of Sauk River):** Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through October 31.

~~((93))~~ **(92) Cottage Lake (King County):** Open the fourth Saturday in April through October 31.

~~((94))~~ **(93) Coulter Creek (Kitsap/Mason counties):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

~~((95))~~ **(94) County Line Ponds (Skagit County):** Closed.

~~((96))~~ **(95) Crabapple Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

~~((97))~~ **(96) Cranberry Creek (Mason County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

~~((98))~~ **(97) Crescent Creek (Kitsap County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

~~((99))~~ **(98) Crescent Lake (Pierce County):** ~~((a))~~

Open the fourth Saturday in April through October 31.

~~((b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.~~

~~((100))~~ **(99) 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.

~~((101))~~ **(100) Dakota Creek (Whatcom County):**

(a) Open the first Saturday in June through December 31 from the mouth to Giles Road Bridge.

(b) Selective gear rules apply.

(c) Salmon:

(i) Open October 1 through December 31.

(ii) Limit 2 salmon.

(iii) Release wild Chinook.

~~((102) Dan's Creek (Snohomish County) (Sauk River tributary):~~

~~((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 2 hatchery steelhead.~~

~~((103))~~ **(101) De Coursey Pond (Pierce County):**

(a) Open the fourth Saturday in April through November 30 to juvenile anglers only.

(b) Salmon: Landlocked salmon rules apply.

~~((104))~~ **(102) Decker Creek (Mason County) (Satsop River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((105) Deep Lake (Thurston County):~~

~~((a) Open the fourth Saturday in April through October 31.~~

~~((b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.~~

~~((106))~~ **(103) Deer Creek (Mason County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

~~((107))~~ **(104) Deer Lake (Island County):** Open the fourth Saturday in April through October 31.

~~((108))~~ **(105) Deer Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((109))~~ **(106) Dempsey Creek (Thurston County) (Black River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((110))~~ **(107) Deschutes River (Thurston County):**

(a) From Old Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park:

(i) Selective gear rules apply, except bait is allowed September 1 through October 15.

(ii) Trout: Open year-round; catch and release only.

(iii) All other game fish: Open the first Saturday in June through October 15.

(iv) Salmon:

(A) Open July 1 through October 15.

(B) Limit 6; no more than 2 adult salmon may be retained.

(C) Release coho.

(b) From Henderson Boulevard Bridge upstream:

(i) Open year-round.

(ii) Selective gear rules apply.

(iii) Trout: Catch and release only.

(iv) Salmon:

(A) Open July 1 through October 15.

(B) Limit 6; no more than 2 adult salmon may be retained.

(C) Release coho.

~~((111))~~ (108) Devereaux Lake (Mason County):

~~((a))~~ Open the fourth Saturday in April through October 31.

~~((b))~~ Trout: It is unlawful to retain more than 2 trout over 14 inches in length, except there are no size restrictions for kokanee.

~~((112))~~ (109) Dewatto River (Mason County):

(a) From the mouth to Dewatto-Holly Road Bridge:

(i) Open the first Saturday in June through August 15 and October 1 through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) October 1 through October 31: Night closure in effect.

(v) Game fish: Catch and release only.

(vi) Salmon:

(A) Open October 1 through October 31.

(B) Limit 2 coho.

(b) From Dewatto-Holly Road Bridge upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

~~((113))~~ (110) Diobsud 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 2 hatchery steelhead.

~~((114))~~ (111) Dogfish Creek (Kitsap County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

~~((115))~~ (112) Dosewallips River (Jefferson County):

(a) From the mouth to Highway 101 Bridge:

(i) Open the first Saturday in June through August 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Release all gamefish.

(v) Salmon:

(A) Open November 1 through December 15.

(B) Limit 2 chum only.

(b) From Highway 101 Bridge to Olympic National Park boundary about three-quarters of a mile downstream of the falls:

(i) Open the first Saturday in June through August 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Release all gamefish.

~~((116))~~ (113) Downey Creek (Snohomish County)

(Suiattle River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((117))~~ (114) Duckabush River (Jefferson County):

(a) From the mouth to Mason County PUD #1 overhead distribution line:

(i) Open the first Saturday in June through August 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Release all game fish.

(v) Salmon:

(A) Open November 1 through December 15.

(B) Limit 2 chum only.

(b) From Mason County PUD #1 overhead distribution line to the Olympic National Park boundary:

(i) Open the first Saturday in June through August 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

~~((118))~~ (115) 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.

~~((119))~~ (116) Eaton Creek (Thurston County) (Lake

St. Clair tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((120))~~ (117) Echo Lake (Snohomish County): Open the fourth Saturday in April through October 31.

~~((121))~~ (118) Eglon Creek (Kitsap County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

~~((122))~~ Elliot Creek (Snohomish County) (Sauk River

tributary):

~~(a) Open the first Saturday in June through October 31.~~

~~(b) Selective gear rules apply.~~

~~((123))~~ (119) Erie Lake (Skagit County): Open the fourth Saturday in April through October 31.

~~((124))~~ (120) Evans Creek (Pierce County) (Carbon

River tributary): Open the first Saturday in June through October 31 from Carbon River Fairfax Road upstream.

~~((125))~~ (121) Falls Creek (Snohomish County)

(Sauk River tributary): ~~((a))~~ From the falls located 0.4 mile upstream from the mouth to the headwaters: Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through October 31.

~~((b))~~ Selective gear rules apply.

~~((126))~~ (122) 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.

~~((127))~~ (123) 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.

~~((128))~~ **(124) Finney Creek (Skagit County) including all tributaries from upstream of the USFS 17 road bridge:** Open the Saturday before Memorial Day through October 31.

(125) Fisher Slough (Snohomish County):

(a) Open the first Saturday in June through October 31 from the mouth to the I-5 Bridge.

(b) Trout: Minimum length 14 inches.

~~((129))~~ **(126) Fishtrap Creek (Whatcom County):** Open from Kok Road to Bender Road from the first Saturday in June through October 31 for juvenile anglers only.

~~((130))~~ **(127) Fiske Creek (Pierce County) (Puyallup River tributary):** Open upstream from Fiske Road from the first Saturday in June through October 31.

~~((131))~~ **(128) Flett Creek (Pierce County):**

(a) Open July 1 through October 31.

(b) Trout: Minimum length 14 inches.

(c) Selective gear rules apply.

(129) Fortson Mill Pond #2 (Snohomish County): Open the fourth Saturday in April through October 31 for juvenile anglers only.

~~((132))~~ **(130) Found Creek (Skagit County) (Cascade River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

~~((133))~~ **(131) Fox Creek (Pierce County) (Puyallup River tributary):** Open upstream from Fiske Road from the first Saturday in June through October 31.

~~((134))~~ **(132) Friday Creek (Whatcom County) (Samish River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((135))~~ **(133) Fulton Creek (Mason County):**

(a) From the mouth to falls at river mile 0.8:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(b) From the falls at river mile 0.8 upstream: Open the ~~(first)~~ Saturday ~~((in June))~~ before Memorial Day through October 31.

~~((136))~~ **(134) 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.

~~((137))~~ **(135) Gamble Creek (Kitsap County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

~~((138))~~ **(136) Geneva Lake (King County):** Open the fourth Saturday in April through October 31.

~~((139))~~ **(137) Gissberg Pond, North (Snohomish County):** Open for juvenile anglers only.

~~((140))~~ **(138) Gissberg Ponds (Snohomish County):** Channel catfish limit 2; no minimum size.

~~((141))~~ **(139) Goldsborough Creek (Mason County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

~~((142))~~ **(140) Goodell 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 2 hatchery steelhead.

~~((143))~~ **(141) Goodman Creek (Skagit County) above the Mountain Loop Highway:** Open Saturday before Memorial Day through October 31.

(142) Goodwin Lake (Snohomish County): Chumming is permissible.

~~((144))~~ **(143) Goss Lake (Island County):** Open the fourth Saturday in April through October 31.

~~((145))~~ **(144) Grade Creek (Snohomish County) (Suiattle River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((146))~~ **(145) Granite Lakes (near Marblemount) (Skagit County):** Grayling: Catch and release only.

~~((147))~~ **(146) Grass Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((148))~~ **(147) Green (Duwamish) River (King County):**

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the First Avenue South Bridge to Tukwila International Boulevard/Old Highway 99:

(i) September 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) November 1 through January 15: It is unlawful to fish from any floating device.

(iii) Open the first Saturday in June through July 31 and September 1 through January 15: Trout minimum length 14 inches.

(iv) In years ending in odd numbers, open for game fish and salmon August 20 through August 31:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) It is unlawful to use bait.

(D) It is unlawful to use anything other than one single-point hook measuring 1/2 inch or less from point to shank.

(E) Trout: Minimum length 14 inches.

(v) Salmon:

(A) In years ending in odd numbers:

(I) Open August 20 through December 31.

(II) Limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.

(III) Release Chinook.

(B) In years ending in even numbers:

(I) Open September 1 through December 31.

(II) Limit 6; no more than 3 adults may be retained.

(III) Release Chinook.

~~((149))~~ **(c)** From Tukwila International Boulevard/Old Highway 99 to the Interstate 405 Bridge:

(i) September 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) In years ending in odd numbers: Open for salmon and gamefish August 20 through August 31:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) It is unlawful to use bait.

(D) It is unlawful to use anything other than one single-point hook measuring 1/2 inch or less from point to shank.

(E) Trout: Minimum length 14 inches.

(iii) November 1 through January 15: It is unlawful to fish from any floating device.

(iv) Open the first Saturday in June through July 31 and September 1 through January 15; trout minimum length 14 inches.

(v) In years ending in odd numbers, open for gamefish and salmon August 20 through December 31.

(vi) Salmon:

(A) In years ending in odd numbers:

(I) Open August 20 through December 31.

(II) Limit 6 salmon; no more than 3 may be any combination of adult coho and adult chum.

(III) Release Chinook.

(B) In years ending in even numbers:

(I) Open September 1 through December 31.

(II) Limit 6; only 3 adults may be retained.

(III) Release Chinook.

~~((e))~~ (d) From the Interstate 405 Bridge to South 277th Street Bridge in Auburn:

(i) October 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) November 1 through January 15: It is unlawful to fish from any floating device.

(iii) Open the first Saturday in June through July 31 and October 1 through January 15: Trout minimum length 14 inches.

(iv) In years ending in odd numbers, open for game fish and salmon September 1 through September 30:

(A) Night closure in effect.

(B) Anti-snagging rule applies.

(C) It is unlawful to use bait.

(D) It is unlawful to use anything other than one single-point hook measuring 1/2 inch or less from point to shank.

(E) Trout: Minimum length 14 inches.

(v) Salmon:

(A) In years ending in odd numbers:

(I) Open September 1 through December 31.

(II) Limit 6; no more than 3 may be any combination of adult coho and adult chum.

(III) Release Chinook.

(B) In years ending in even numbers:

(I) Open October 1 through December 31.

(II) Limit 6; only 3 adults may be retained.

(III) Release Chinook.

~~((f))~~ (e) From the 277th Street Bridge to Auburn-Black Diamond Road Bridge:

(i) October 16 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) November 1 through January 31: It is unlawful to fish from a floating device.

(iii) Open the first Saturday in June through August 15 and October 16 through January 31; trout minimum length 14 inches.

(iv) In years ending in odd numbers, open for game fish and salmon September 16 through October 15:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) It is unlawful to use bait.

(D) It is unlawful to use anything other than one single-point hook measuring 1/2 inch or less from point to shank.

(E) Trout: Minimum length 14 inches.

(v) Salmon:

(A) In years ending in odd numbers:

(I) Open September 16 through December 31.

(II) Limit 6; no more than 3 may be any combination of adult coho and adult chum.

(III) Release Chinook.

(B) In years ending in even numbers:

(I) Open October 16 through December 31.

(II) Limit 6; only 3 adults may be retained.

(III) Release Chinook.

~~((g))~~ (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) August 1 through September 15 and November 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Open the first Saturday in June through September 15 and November 1 through January 31; trout minimum length 14 inches.

(iv) Salmon open November 1 through December 31.

(A) In years ending in odd numbers:

(I) Limit 6; no more than 3 may be any combination of adult coho and adult chum.

(II) Release Chinook.

(B) In years ending in even numbers:

(I) Limit 6; only 3 adults may be retained.

(II) Release Chinook.

~~((h))~~ (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) August 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Open the first Saturday in June through January 31: Trout minimum length 14 inches.

(iv) Salmon open November 1 through December 31:

(A) In years ending in odd numbers:

(I) Limit 6; no more than 3 may be any combination of adult coho and adult chum.

(II) Release Chinook.

(B) In years ending in even numbers:

(I) Limit 6; only 3 adults may be retained.

(II) Release Chinook.

~~((g))~~ (h) From Friday Creek upstream, including all tributaries and their tributaries: Open the Saturday before Memorial Day through October 31.

~~((149))~~ **(148) Greenwater River (King County):**

(a) From the mouth to Greenwater Lakes:

- (i) Open November 1 through January 31.
- (ii) Release all fish except whitefish.
- (iii) Whitefish gear rules apply.

(b) From Greenwater Lakes upstream: Open the first Saturday in June through October 31.

~~((150))~~ **(149) Grovers Creek (Kitsap County):**

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Trout: Minimum size 14 inches.

~~((151))~~ **(150) Hamma Hamma River (Mason County):**

(a) From the mouth to 400 feet below the falls:

- (i) Open the first Saturday in June through August 31.
- (ii) Selective gear rules apply.
- (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (iv) Catch and release only.

(b) From the falls upstream: Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through October 31.

~~((152))~~ **(151) Hancock Lake (King County):**

(a) Open the fourth Saturday in April through October 31.

(b) All tributary streams and the upper third of the outlet are closed.

(c) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

~~((153))~~ **(152) Hansen Creek (Skagit County):** Including all tributaries and their tributaries:

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.

~~((154))~~ **(153) Harrison Slough (Skagit County):** Open the first Saturday in June through October 31.

~~((155))~~ **(154) Hatchery Lake (Mason County):** ~~((a))~~ Open the fourth Saturday in April through October 31.

~~((b))~~ Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

~~(156))~~ **(155) Haven Lake (Mason 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.

~~(157))~~ **(156) Heart Lake (near Anacortes) (Skagit County):** Open the fourth Saturday in April through October 31.

~~((158))~~ **(157) Heins Lake (Kitsap County):** Closed.

~~((159))~~ **(158) Hicks 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.

~~(160))~~ **(159) 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):**

(a) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

~~((161))~~ **(160) Horseshoe Lake (Kitsap County):**

(a) Open the fourth Saturday in April through October 31.

~~((b))~~ Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

~~((c))~~ Salmon: Landlocked salmon rules apply.

~~((162))~~ **(161) 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.

~~((163))~~ **(162) Howard Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

~~((164))~~ **(163) Howell Lake (Mason County):** ~~((a))~~ Open the fourth Saturday in April through October 31.

~~((b))~~ Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

~~(165))~~ **(164) 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.

~~((166))~~ **(165) 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.

~~((167))~~ **(166) Illabot Creek (Skagit County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((168))~~ **(167) Illahee Creek (Kitsap County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

~~((169) Isabella Lake (Mason County):~~ It is unlawful to retain more than 2 trout over 14 inches in length.

~~(170) Island Lake (Kitsap County):~~ It is unlawful to retain more than 2 trout over 14 inches in length.

~~(171) Island Lake (Mason County):~~ It is unlawful to retain more than 2 trout over 14 inches in length.

~~(172))~~ **(168) Issaquah Creek (King County):** Open the first Saturday in June through August 31 for juvenile anglers only.

~~((173))~~ **(169) Jackman Creek (Skagit County):** ~~((a))~~ Open the first Saturday in June through October 31.

~~((b))~~ Selective gear rules apply.

~~(174))~~ **Open the Saturday before Memorial Day through October 31 from the falls located 0.7 miles above Highway 20 upstream.**

(170) Jackson Lake (Pierce County): Open the fourth Saturday in April through October 31.

~~((175))~~ **(171) Jefferson Creek (Mason County):** Open the Saturday before Memorial Day through October 31.

~~((176))~~ **(172) Jennings Park Pond (Snohomish County):** Open the fourth Saturday in April through October 31 for juvenile anglers only.

~~((177))~~ **(173) Johns Creek (Mason County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

~~((178))~~ (174) Johnson Creek (Thurston County)
(Skookumchuck River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((179))~~ (175) Johnson Creek (Whatcom County):
Open the first Saturday in June through October 31 from the Northern Pacific Railroad tracks to the Lawson Street foot-bridge in Sumas for juvenile anglers only.

~~((180))~~ (176) Jones Creek (Skagit County): ~~((a))~~
Open the first Saturday in June through October 31.

~~(b) Selective gear rules apply.~~

~~(181))~~ Open the Saturday before Memorial Day through October 31 above the falls located 0.6 miles above Highway 20 upstream.

(177) Jordan Creek (Skagit County) (Cascade River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((182))~~ (178) Jorsted Creek (Mason County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

~~((183) Kapowsin Lake (Pierce County): It is unlawful to retain more than 2 trout over 14 inches in length.~~

~~(184))~~ (179) Kelsey Creek (tributary of Lake Washington) (King County): Open the first Saturday in June through August 31 for juvenile anglers only.

~~((185))~~ (180) Kendall Creek (Whatcom County)
(N.F. Nooksack tributary):

(a) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through October 31 above the hatchery grounds.

(b) Selective gear rules apply.

~~((186))~~ (181) Kennedy Creek (Mason County):

(a) From the mouth to 400 feet below the falls:

(i) Open the first Saturday in June through the last day in February.

(ii) From Highway 101 Bridge to 400 feet below the falls: Selective gear rules apply January 1 through September 30.

(iii) October 1 through December 31:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iv) Trout: Minimum length 14 inches.

(v) Salmon:

(A) Open October 1 through November 30 from the mouth to the northbound Highway 101 Bridge.

(B) Limit 6; no more than 2 adults may be retained.

(C) Release wild coho.

(b) 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.

~~((187))~~ (182) Kennedy Creek Pond (Thurston County): Open the fourth Saturday in April through October 31.

~~((188))~~ (183) Ki Lake (Snohomish County): Open the fourth Saturday in April through October 31.

~~((189))~~ (184) 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.

~~((190))~~ (185) Kindy Creek (Skagit County) (Cascade River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

~~((191))~~ (186) King's Creek (Pierce County) (Puyallup River tributary): Open the first Saturday in June through October 31.

~~((192))~~ (187) Kings Lake Bog (King County): Closed.

~~((193) Kitsap Lake (Kitsap County): It is unlawful to retain more than 2 trout over 14 inches in length.~~

~~(194))~~ (188) 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.

~~((195))~~ (189) Koeneman Lake (Fern Lake) (Kitsap County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Catch and release only.

~~((196) Kokanee Lake (Mason County): It is unlawful to retain more than 2 trout over 14 inches in length, except there are no size restrictions for kokanee.~~

~~(197))~~ (190) Ladder 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 2 hatchery steelhead.

~~((198))~~ (191) Langlois Lake (King County): Open the fourth Saturday in April through October 31.

~~((199) Lawrence Lake (Thurston County): It is unlawful to retain more than 2 trout over 14 inches in length.~~

~~(200))~~ (192) Leach Creek (Pierce County):

(a) Open July 1 through October 31.

(b) Catch and release only.

(c) Selective gear rules apply.

(193) LeBar Creek (Mason County): Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through October 31 from the falls at river mile one upstream.

~~((201))~~ (194) Lena Creek (Mason County): Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through October 31.

~~((202))~~ (195) Lilliwaup River (Mason County):

(a) From the mouth to 200 feet below the falls:

(i) Open the first Saturday in June through August 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(b) From the falls upstream: Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through October 31.

~~((203))~~ (196) Lime Creek (Snohomish County) **(Suiattle River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((204))~~ (197) Limerick Lake (Mason County): Open the fourth Saturday in April through October 31.

~~((205))~~ (198) Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Open the first Saturday in June through August 31 for juvenile anglers only.

~~((206))~~ (199) 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.

~~((207))~~ (200) Little Nisqually River (Lewis County):

(a) Open the first Saturday in June through October 31.

(b) Trout: Minimum length 14 inches.

~~((208))~~ (201) Little Scandia Creek (Kitsap County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

~~((209))~~ (202) Lone Lake (Island County):

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Limit 1; minimum length 18 inches.

~~((210) Long Lake (Thurston County):~~ It is unlawful to retain more than 2 trout over 14 inches in length.

~~((211))~~ (d) Grass carp: No limit for anglers and bow and arrow fishing.

(203) Long's Pond (Thurston County): Open for juvenile anglers only.

~~((212) Lost Lake (Mason County):~~ It is unlawful to retain more than 2 trout over 14 inches in length, except there are no size restrictions for kokanee.

~~((213))~~ (204) Lyle Creek (King County) (White River tributary): Open the first Saturday in June through October 31.

~~((214))~~ (205) Maggie Lake (Mason County): ~~((+))~~ Open the fourth Saturday in April through November 30.

~~((b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.~~

~~((215))~~ (206) Malaney Creek (Mason County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

~~((216))~~ (207) Maple Creek (Whatcom County) (N.F. Nooksack tributary):

(a) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through October 31.

(b) Selective gear rules apply.

~~((217))~~ (208) Marble Creek (Skagit County) (Cascade River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

~~((218))~~ (209) Margaret Lake (King County): Open the fourth Saturday in April through October 31.

~~((219))~~ (210) Marsh Creek (Snohomish County) (Sultan River tributary): Open the Saturday before Memorial Day through October 31 above the falls, including tributaries and beaver ponds.

~~((220))~~ (211) Martha Lake (Snohomish County): Open the fourth Saturday in April through October 31.

~~((221))~~ (212) Martha Lake (Warm Beach) (Snohomish County):

(a) Selective gear rules apply.

(b) Trout: Limit 2; minimum length 14 inches.

(213) May Creek (tributary of Lake Washington) (King County): Open the first Saturday in June through August 31 for juvenile anglers only.

~~((222))~~ (214) McAllister Creek (Thurston County):

(a) Open the first Saturday in June through October 31.

(b) ~~((It is unlawful to use anything other than barbless hooks.~~

~~((+))~~ Selective gear rules apply.

~~((+))~~ (c) Trout: Minimum length 14 inches.

~~((+))~~ (d) Salmon:

(i) Open July 1 through November 30.

(ii) Limit 6; of which no more than 2 may be adults.

~~((223) McIntosh 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.~~

~~((224))~~ (215) McLane Creek (Thurston County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((c) (August 1 through October 31: Night closure in effect.~~

~~((d) Trout: Minimum length 14 inches.~~

~~((225))~~ Catch and release.

(216) McLane Creek Ponds (Thurston County): Open the fourth Saturday in April through October 31.

~~((226))~~ (217) McMurray Lake (Skagit County):

(a) Open the fourth Saturday in April through October 31.

(b) Landlocked salmon rules apply.

~~((227))~~ (218) Melbourne Lake (Mason County): Open the fourth Saturday in April through October 31.

~~((228))~~ (219) Mercer Slough (tributary of Lake Washington) (King County): Open the first Saturday in June through August 31 for juvenile anglers only.

~~((229))~~ (220) Milk Creek (Snohomish County) (Suiattle River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((230))~~ (221) Mill Creek (Mason County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

~~((231))~~ (222) 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)).~~

~~((232))~~ (223) Mima Creek (Thurston County) (Black River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((233))~~ (224) Mineral Creek (tributary to Nisqually River), and Mineral Creek, North Fork (Lewis County): Trout minimum length 14 inches.

~~((234))~~ (225) Minter Creek (Pierce/Kitsap counties): From ~~(the mouth to the hatchery rack:~~

~~(a) Open for trout only the first Saturday in June through October 31:~~

~~(i) Selective gear rules apply.~~

~~(ii) Minimum length 14 inches.~~

~~(b) Open for salmon November 1 through December 31 from))~~ the mouth to the fishing boundary markers approximately 50 feet downstream of the hatchery rack:

~~((+))~~ (a) Open for salmon November 1 through December 31.

(b) Night closure in effect.

~~((+))~~ (c) Limit 4 chum; release all other salmon.

~~((235))~~ (226) Mission Lake (Kitsap County): ~~((+))~~ Open the fourth Saturday in April through October 31.

~~((b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.~~

~~(236))~~ (227) Monte Cristo Lake (Snohomish County):

(a) Open the first Saturday in June through August 31.

(b) Selective gear rules apply.

(c) Release all fish except anglers may retain up to 2 hatchery steelhead.

~~((237))~~ (228) Mountain Lake (San Juan County): It is unlawful to retain more than one trout over 18 inches in length.

~~((238))~~ (229) Mud Lake (Mason County): Open the fourth Saturday in April through October 31.

~~((239))~~ (230) Munn Lake (Thurston County):

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Catch and release only.

~~((240) Nahwatzel Lake (Mason County):~~ It is unlawful to retain more than 2 trout over 14 inches in length.

~~(241))~~ (231) New Pond Creek (Pierce County) (South Prairie Creek tributary): Open the first Saturday in June through October 31.

~~((242))~~ (232) Newhalem Creek (Whatcom County): Open the Saturday before Memorial Day through October 31 above the power facility.

(233) Newhalem Ponds (Whatcom County): Closed.

~~((243))~~ (234) Nisqually River (Pierce County):

(a) From the mouth to Military Tank Crossing Bridge:

(i) Closed August 3 through August 5, August 10 through August 12, August 17 through August 19, August 24 through August 26, August 31 through September 2, September 8 through September 10, September 14 through September 16, September 21 through September 23, and September 28 through September 29.

(ii) July 1 through January 31:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) Barbless hooks are required.

(iii) Open July 1 through January 31:

(A) From July 1 through November 30: Trout minimum length 14 inches.

(B) From December 1 through January 31: ~~((Release all fish except anglers may retain up to 2 hatchery steelhead-))~~ Catch and release only.

(iv) Salmon open July 1 through January 31.

(A) In years ending in even numbers, from July 1 through October 31:

(I) Limit 6; no more than 3 adults may be retained, and only 2 adults may be any combination of chum and coho.

(II) Release wild Chinook.

(B) In years ending in odd numbers, from July 1 through October 31:

(I) Limit 6; no more than 3 adults may be retained plus one pink salmon; no more than 2 adults may be any combination of chum and coho.

(II) Release wild Chinook.

(C) From November 1 through January 31:

(I) Limit 6; only 2 adults may be retained.

(II) Release wild Chinook.

(b) From Military Tank Crossing Bridge to 400 feet below La Grande Powerhouse:

(i) Open July 1 through October 31.

(ii) Selective gear rules apply.

(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.

(iv) From Alder Reservoir upstream including all tributaries:

(A) Open the Saturday before Memorial Day through October 31.

(B) Selective gear rules apply.

(C) Trout minimum length 14 inches.

~~((244))~~ (v) Alder Reservoir tributaries and the upper Nisqually River above Alder Reservoir:

(A) Trout: Daily limit 2 over 14 inches in length.

(B) Selective gear rules apply.

(235) Nookachamps Creek (Skagit County):

(a) Open the first Saturday in June through October 31, including all tributaries and their tributaries.

(b) Selective gear rules apply.

~~((245))~~ (236) Nooksack River (Whatcom County):

(a) From the Lummi Indian Reservation boundary to the yellow marker at the FFA High School barn at Deming:

(i) Open the first Saturday in June through January 31.

(ii) From the first Saturday in June through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Trout: Minimum length 14 inches.

(iv) Salmon:

(A) Open September 1 through December 31:

(I) Limit 2, plus 2 additional coho.

(II) Release wild Chinook September 1 through September 30.

(B) Open July 16 through August 31 from Lummi Indian Reservation boundary to Highway 544 Bridge at Everson during odd-numbered years:

(I) Limit 4 pink salmon.

(II) It is unlawful to use bait.

(III) It is unlawful to use anything other than single-point hooks measuring 1/2 inch or less from point to shank.

(b) From the yellow marker at the FFA High School barn in Deming to the confluence of the forks:

(i) Open from October 1 through January 31.

(ii) October 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Trout: Minimum length 14 inches.

(iv) Salmon open October 1 through December 31: Limit 2, plus anglers may retain 2 additional coho.

~~((246))~~ **(237) Nooksack River, North Fork (Whatcom County):**

(a) From the mouth to Maple Creek:

(i) Closed waters from North Fork of the Nooksack River, including all sloughs and side channels, from a true east-west line running through a white monument marking the mouth of Kendall Creek downstream 1,500 feet.

(ii) Open the first Saturday in June through February 15.

~~((247))~~ **(iii)** From the first Saturday in June through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

~~((248))~~ **(iv)** November 1 through February 15: It is unlawful to fish from a floating device equipped with a motor.

~~((249))~~ **(v)** Trout minimum length 14 inches.

~~((250))~~ **(vi)** Salmon open October 1 through November 30: Limit 2 salmon, plus anglers may retain 2 additional coho.

(b) From Maple Creek to Nooksack Falls:

(i) Open the first Saturday in June through January 31.

(ii) Selective gear rules apply.

(iii) November 1 through January 31: It is unlawful to fish from a floating device equipped with a motor.

(iv) Trout: Minimum length 14 inches.

(c) The waters above Nooksack Falls, including all tributaries and their tributaries are open the Saturday before Memorial Day through October 31.

~~((247))~~ **(238) Nooksack River, Middle Fork (Whatcom County):**

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the mouth to the city of Bellingham diversion dam:

(i) November 1 through January 31: It is unlawful to use motors.

(ii) Open the first Saturday in June through January 31.

(iii) Selective gear rules apply.

(iv) Trout: Minimum size 14 inches.

~~((248))~~ **(c)** The waters above the diversion dam, including all tributaries and their tributaries are open the Saturday before Memorial Day through October 31.

~~((248))~~ **(239) Nooksack River, South Fork (Skagit/Whatcom counties):**

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the mouth to Skookum Creek:

(i) Open the first Saturday in June through January 31.

(ii) Selective gear rules apply.

(ii) From the first Saturday in June through November 30: Night closure in effect.

(iv) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(v) Release all fish except anglers may retain up to 2 hatchery steelhead.

(vi) Salmon open October 1 through December 31:

(A) Limit 2; plus anglers may retain 2 additional coho.

(B) Release chum.

(C) In years ending in odd numbers, release pink salmon.

~~((249))~~ **(c)** Upstream from and including Wanlick Creek, including all tributaries:

(i) Open the Saturday before Memorial Day through October 31 for fly fishing only.

(ii) Catch and release only.

~~((249))~~ **(240) North Creek (Snohomish/King counties) (tributary of Sammamish River):** Open the first Saturday in June through August 31 for juvenile anglers only.

~~((250))~~ **(241) North Lake (King County):** Open the fourth Saturday in April through October 31.

~~((251))~~ **(242) Northern State Hospital Pond (Skagit County):** Open the fourth Saturday in April through October 31 for juvenile anglers only.

~~((252))~~ **(243) Ohop Creek (Pierce County):**

(a) Open July 1 through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

~~((253))~~ **(244) Ohop Lake (Pierce County):** ~~((It is unlawful to retain more than 2 trout over 14 inches in length, except))~~ There are no size restrictions for kokanee.

~~((254))~~ **(245) Olalla Creek (Kitsap County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

~~((255))~~ **(246) Old Fishing Hole Pond (Kent, King County):** Open the fourth Saturday in April through October 31 for juvenile anglers only.

~~((256))~~ **(247) 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.

~~((257))~~ **(248) Olson Creek (Skagit County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((258))~~ **(249) Osborne Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((259))~~ **(250) 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.

~~((260))~~ **(251) Outlet Creek (Mason County) (Satsop River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((261))~~ **(252) Owl Creek (Snohomish County) (Whitechuck River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((262))~~ (253) **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.

~~((263))~~ (254) **Panhandle Lake (Mason County):**

~~((a))~~ Open the fourth Saturday in April through October 31.

~~((b))~~ Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

~~(264))~~ (255) **Panther Lake (Kitsap/Mason counties):**

~~((a))~~ Open the fourth Saturday in April through October 31.

~~((b))~~ Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

~~(265))~~ (256) **Pass Lake (Skagit County):**

(a) Open to fly fishing only.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Catch and release only.

~~((266))~~ **Pattison Lake (Thurston County):**

~~(a)~~ Open the fourth Saturday in April through October 31.

~~(b)~~ Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

~~(267))~~ (257) **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.

~~((268))~~ (258) **Perry Creek (Thurston County):**

(a) Open the first Saturday in June through October 31 from the mouth to the falls.

(b) Selective gear rules apply.

(c) Trout: Minimum size 14 inches.

~~((269))~~ (259) **Phillips Lake (Mason County):** ~~((a))~~

Open the fourth Saturday in April through October 31.

~~((b))~~ Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

~~(270))~~ (260) **Pilchuck Creek (Snohomish County):**

(a) From the mouth to the Highway 9 Bridge:

(i) Open the first Saturday in June through January 31.

(ii) From the first Saturday in June through November

30: Selective gear rules apply.

(iii) Trout: Minimum length 14 inches.

(b) From the Highway 9 Bridge to Pilchuck Falls:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Trout: Minimum length 14 inches.

(c) From Pilchuck Falls upstream, including all tributaries and their tributaries, and all tributaries to Lake Cavanaugh: Open the Saturday before Memorial Day through October 31.

~~((271))~~ (261) **Pilchuck River (Snohomish County):**

(a) Open from December 1 through January 31 from the mouth to 500 feet downstream from the Snohomish City diversion dam.

(b) It is unlawful to fish from any floating device.

(c) Trout: Minimum length 14 inches.

~~((272))~~ (262) **Pine Creek (Mason County):** Open the ~~(first)~~ Saturday ~~(in June)~~ before Memorial Day through October 31.

~~((273))~~ (263) **Pine Lake (King County):** Open the fourth Saturday in April through October 31.

~~((274))~~ (264) **Pine Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((275))~~ (265) **Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County):** Closed.

~~((276))~~ (266) **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.

~~((277))~~ (267) **Pratt River (tributary to Middle Fork Snoqualmie River) (King County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

~~((278))~~ (268) **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.

~~((279))~~ (269) **Prices Lake (Mason County):**

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Catch and release only.

~~((280))~~ (270) **Pugh Creek (Snohomish County) (Whitechuck River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((281))~~ (271) **Puyallup River (Pierce County):**

(a) From the mouth to Freeman Road:

(i) Open for game fish and salmon August 10 through December 31.

(ii) Closed August 30 through August 31, September 6 through September 8, September 13 through September 15, September 20 through September 23, September 27 through September 30, October 4 through October 7, and October 11 through October 14.

(iii) Closed within 400 feet of the mouth of Clarks Creek.

(iv) August 10 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) Barbless hooks are required.

(v) Trout: Minimum length 14 inches.

(vi) Salmon:

(A) In years ending in odd numbers:

(I) Limit 6. No more than 2 adults may be retained. Two pink adults may be retained in addition to the 2 adult limit.

(II) Release wild adult Chinook.

(B) In years ending in even numbers:

(I) Limit 6; no more than 2 adults may be retained.

(II) Release wild adult Chinook.

(b) From Freeman Road to the East Main Avenue Bridge:

(i) Open for game fish and salmon August 1 through December 31.

(ii) Closed August 9, August 30 through August 31, September 6 through September 8, September 13 through Sep-

tember 15, September 20 through September 23, and September 27 through September 30.

(iii) August 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(C) Barbless hooks are required.

(iv) Trout: Minimum length 14 inches.

(v) Salmon:

(A) In years ending in odd numbers:

(I) Limit 6. No more than 2 adults may be retained. In addition to the 2 adults, 2 adult pinks may also be retained.

(II) Release wild adult Chinook.

(B) In years ending in even numbers:

(I) Limit 6; no more than 2 adults may be retained.

(II) Release wild adult Chinook.

(c) From the East Main Avenue Bridge to Carbon River:

(i) Open for game fish and salmon August 1 through December 31.

(ii) August 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure is in effect.

(C) Barbless hooks are required.

(iii) Trout: Minimum length 14 inches.

(iv) Salmon:

(A) In years ending in odd numbers:

(I) Limit 6. No more than 2 adults may be retained. In addition to the 2 adults, 2 adult pinks may be retained.

(II) Release wild adult Chinook.

(B) In years ending in even numbers:

(I) Limit 6; no more than 2 adults may be retained.

(II) Release wild adult Chinook.

(d) From Carbon River upstream:

(i) Open September 1 through January 15.

(ii) Selective gear rules apply.

(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.

~~((282))~~ **(272) Pyramid Creek (King County) upstream of Forest Service Road 7000:** Open the first Saturday in June through October 31.

~~((283))~~ **(273) Racehorse Creek (Whatcom County) (N.F. Nooksack tributary):**

(a) Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through October 31.

(b) Selective gear rules apply.

~~((284))~~ **(274) Raging River (King County):**

(a) From the mouth to the Highway 18 Bridge:

(i) Open the first Saturday in June through January 31.

(ii) Trout: Minimum length 14 inches.

(b) From Highway 18 Bridge upstream: Open the first Saturday in June through October 31.

~~((285))~~ **(275) Rapjohn Lake (Pierce County):** ~~((a))~~ Open the fourth Saturday in April through October 31.

~~((b))~~ Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

~~((286))~~ **(276) Rattlesnake Lake (King County):**

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) ~~((Catch and release only.~~

~~((287))~~ Trout: Limit 2; minimum length 14 inches.

~~((277))~~ **Ravensdale Lake (King County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit 2; minimum length 12 inches.

~~((288))~~ **(278) Red Creek (King County) (White River tributary):** Open the first Saturday in June through October 31.

~~((289))~~ **(279) Rendsland Creek (Mason County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

~~((290))~~ **(280) Riley Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

~~((291))~~ **(281) Roaring Creek (Whatcom County):** Open the Saturday before Memorial Day through October 31 upstream from the confluence with Deer Creek, including all tributaries.

~~((292))~~ **(282) Robbins Lake (Mason 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.

~~((293))~~ **(283) Rocky Creek (Mason County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

~~((294))~~ **Rocky Creek (Skagit County):**

~~((a))~~ Open the first Saturday in June through October 31.

~~((b))~~ Selective gear rules apply.

~~((295))~~ **(284) Roesiger Lake (Snohomish County):**

Crappie limit 10; minimum length 9 inches.

~~((296))~~ **(285) Rose Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((297))~~ **(286) Ross Lake (Reservoir) (Whatcom County):**

(a) Open July 1 through October 31:

(b) Selective gear rules apply.

(c) Trout, except eastern brook trout: Limit ~~((3))~~ 1; minimum length ~~((13))~~ 16 inches.

~~((298))~~ (d) Eastern brook trout: Limit 5; no minimum length.

(287) 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.

~~((299))~~ **Saint Clair Lake (Thurston County):** It is unlawful to retain more than 2 trout over 14 inches in length.

~~((300))~~ **(288) 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.

~~((301))~~ **(289) Salmonberry Creek (Kitsap County):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
 (c) Trout: Minimum size 14 inches.

~~((302))~~ **(290) Samish Lake (Whatcom County):** Cut-throat trout limit 2; minimum length 14 inches.

~~((303))~~ **(291) Samish River (Skagit County):**
 (a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.
 (b) From the mouth to the I-5 Bridge:
 (i) Open the first Saturday in June through November 30.
 (ii) From the first Saturday in June through November 30: Trout minimum length 14 inches.
 (iii) From August 1 through November 30:
 (A) Night closure in effect.
 (B) It is unlawful to use anything other than one single-point hook.
 (iv) From December 1 through December 31:
 (A) Selective gear rules apply.
 (B) Release all fish except anglers may retain up to 2 hatchery steelhead.
 (v) Salmon:
 (A) Open August 1 through November 30.
 (B) Limit 2; anglers may only retain fish hooked inside the mouth.
 (C) Release wild coho.

~~((b))~~ **(c)** From the I-5 Bridge to the Hickson Bridge:
 (i) Closed from the Old Highway 99 Bridge to the WDFW salmon rack.
 (ii) Closed from the I-5 Bridge to the Old Highway 99 Bridge September 1 through November 30.
 (iii) Open the first Saturday in June through November 30:
 (A) Selective gear rules apply.
 (B) Release all fish except anglers may retain up to 2 hatchery steelhead.

~~((e))~~ **(d)** From the Hickson Bridge upstream:
 (i) Open the first Saturday in June through October 31.
 (ii) Selective gear rules apply.

~~((304))~~ **(292) Sammamish Lake (King County):**
 (a) Closed to fishing within 100 yards of the mouth of Issaquah Creek August 16 through November 30.
 (b) ~~((January 1 through April 30: It is unlawful to use anything other than single point barbless hooks.~~
 (e)) Kokanee: Catch and release only.
~~((d))~~ **(c)** December 1 through June 30: Release all steelhead and rainbow trout over 20 inches in length.

~~((305))~~ **(293) Sammamish River (Slough) (King County):** From the 68th Avenue N.E. Bridge to Lake Sammamish:
 (a) Open from January 1 through August 31.
 (b) Selective gear rules apply.
 (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (d) Trout: Catch and release only.

~~((306))~~ **(294) Sauk River (Skagit/Snohomish counties):**
 (a) Selective gear rules apply.
 (b) Release all fish except anglers may retain up to 2 hatchery steelhead.

(c) From the mouth to the mouth of the White Chuck River:
 (i) Open the first Saturday in June through January 31.
 (ii) From the mouth to Darrington Bridge: It is unlawful to fish from a floating device equipped with an internal combustion motor.
 (d) From the mouth of the White Chuck River to the headwaters, including the North Fork and the South Fork upstream to Elliot Creek: Open the first Saturday in June through October 31.
 (e) In the South Fork upstream from Elliot Creek: Open the first Saturday in June through August 31.

~~((307))~~ **(295) Sauk, North Fork, (Snohomish County):** Open the Saturday before Memorial Day through October 31 above North Fork falls including all tributaries.
(296) Sawyer, Lake (King County): ~~((a))~~ Chumming is permissible.
~~((b))~~ Crappie: Limit 10; minimum length 9 inches.
~~((308))~~ **(297) Scatter Creek (King County) (White River tributary):** Open the first Saturday in June through October 31.
~~((309))~~ **(298) Scatter Creek (Thurston County) (Chehalis River tributary):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.

~~((310))~~ **(299) Schneider Creek (Thurston County):** ~~((From the mouth to the falls:))~~
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
 (c) Trout: Minimum size 14 inches.

~~((311))~~ **(300) Serene Lake (Snohomish County):** Open the fourth Saturday in April through October 31.
~~((312))~~ **(301) 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.

~~((313))~~ **(302) Shannon, Lake (Skagit County):**
 (a) Open the fourth Saturday in April through October 31.
 (b) Chumming is permissible.
 (c) Trout: Minimum length 6 inches and maximum length 18 inches.

~~((314))~~ **(303) Shelton Creek (Mason County):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
 (c) Trout: Catch and release only.

~~((315))~~ **(304) Sherman Creek (Thurston County) (Chehalis River tributary):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.

~~((316))~~ **(305) Sherwood Creek (Mason County):**
 (a) Open the first Saturday in June through October 31.
 (b) Selective gear rules apply.
 (c) Trout: Catch and release only.

~~((317))~~ **(306) Sherwood Creek Mill Pond (Mason County):**
 (a) Open the first Saturday in June through October 31.
 (b) Trout: Limit 2; minimum length 14 inches.

~~((318))~~ (307) **Shoe Lake (Mason County)**: Open the fourth Saturday in April through October 31.

~~((319))~~ (308) **Silesia Creek (Chilliwack River tributary) (Whatcom County)**: Open the first Saturday in June through October 31.

~~((320))~~ (309) **Silver Creek (Skagit County) (Samish River tributary)**:

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((321))~~ (310) **Silver Creek (Whatcom County) (Nooksack River tributary)**:

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((322))~~ (311) **Silver Lake (Pierce County)**: ~~((a))~~ Open the fourth Saturday in April through October 31.

~~((b))~~ Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

~~((323))~~ (312) **Silver Lake (Whatcom County)**: Open the fourth Saturday in April through October 31.

~~((324))~~ (313) **Sixteen Lake (Skagit County)**: Open the fourth Saturday in April through October 31.

~~((325))~~ (314) **Skagit River (Skagit/Whatcom counties)**:

(a) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(b) From the mouth to Cascade River Road: Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull Trout with a minimum length of 20 inches as part of the trout limit.

~~((c))~~ (c) From the mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon):

(i) Open March 1 through January 31 (~~(-Release game fish, excluding trout, March 1 through May 31)~~).

(ii) March 1 through July 31:

(A) Selective gear rules apply, except anglers fishing for sturgeon must use bait.

(B) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank, except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(iii) Salmon:

(A) Open September 1 through December 31 in years ending in even numbers.

(B) Open August 1 through December 31 in years ending in odd numbers.

(C) Limit 4; only 2 wild coho may be retained.

(D) Release Chinook and chum.

~~((e))~~ (d) From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek:

(i) Open June 1 through January 31.

(ii) June 1 through November 30:

(A) September 1 through November 30: Anti-snagging rule applies, except anglers fishing for sturgeon must use bait.

(B) Night closure in effect.

(C) June 1 through June 15 and July 16 through July 31:

(I) Selective gear rules apply, except for sturgeon.

(II) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank, except anglers fish-

ing for sturgeon may use single-point barbless hooks of any size.

(iii) Salmon:

(A) Open June 16 through July 15; Limit 3 sockeye only.

(B) Open September 1 through December 31 in years ending in even numbers.

(C) Open August 1 through December 31 in years ending in odd numbers.

(D) Limit 4 salmon; only 2 wild coho may be retained.

(E) Release Chinook and chum.

~~((f))~~ (e) From Gilligan Creek to The Dalles Bridge at Concrete:

(i) Open June 1 through January 31.

(ii) June 1 through November 30:

(A) September 1 through November 30: Anti-snagging rule applies.

(B) Night closure in effect August 16 through November 30.

(C) From June 1 through August 15:

(I) Selective gear rules apply.

(II) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(iii) Salmon:

(A) In years ending in even numbers, open September 1 through December 31.

(B) In years ending in odd numbers, open August 16 through December 31.

(C) Limit 4 salmon; only 2 wild coho may be retained.

(D) Release Chinook and chum.

~~((g))~~ (f) From The Dalles Bridge at Concrete to the Highway 530 Bridge at Rockport:

(i) Open June 1 through January 31.

(ii) June 1 through August 31: Closed between a line projected across the thread of the river 200 feet above the east bank of the Baker River to a line projected across the thread of the river 200 feet below the west bank of the Baker River.

(iii) June 1 through November 30:

(A) September 1 through November 30: Anti-snagging rule applies.

(B) Night closure in effect.

(C) June 1 through August 31:

(I) Selective gear rules apply.

(II) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(iv) Salmon:

(A) Open September 1 through December 31.

(B) Limit 4 salmon; only 2 wild coho may be retained.

(C) Release Chinook and chum.

~~((h))~~ (g) From the Highway 530 Bridge at Rockport to the Cascade River Road (Marblemount Bridge):

(i) Open June 1 through ~~((February 15))~~ January 31: Trout limit 2; minimum length 14 inches.

(ii) June 1 through November 30:

(A) June 1 through July 15 and September 1 through November 30: Anti-snagging rule applies.

(B) Night closure in effect.

(C) July 16 through August 31:

(I) Selective gear rules apply.

(II) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

- (iii) Salmon:
 - (A) Open June 1 through July 15:
 - (I) Limit 4 hatchery Chinook only.
 - (II) Only 2 adult hatchery Chinook may be retained as part of the limit.
 - (B) Open September 1 through December 31.
 - (I) Limit 4 salmon; only 2 wild coho may be retained.
 - (II) Release Chinook and chum.
 - ~~((g))~~ (h) From Cascade River Road to the Gorge Pow-erhouse:
 - (i) Open June 1 through January 31.
 - (ii) Selective gear rules apply.
 - (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (iv) Release all fish except anglers may retain up to 2 hatchery steelhead.
 - ~~((h))~~ (i) Gorge and Diablo lakes' tributary streams and their tributaries, except Stetattle Creek: Open the first Satur-day in June through October 31.
 - ~~((326))~~ (315) **Skokomish River (Mason County):**
 - (a) From the mouth to the city of Tacoma PUD overhead distribution lines: Closed.
 - (b) From the city of Tacoma PUD overhead distribution lines to the Highway 106 Bridge:
 - (i) Open the first Saturday in June through July 13 and October 1 through December 15 for game fish: Catch and release only.
 - (ii) August 1 through November 30:
 - (A) Anti-snagging rule applies.
 - (B) Night closure in effect.
 - (C) It is unlawful to use anything other than single point, barbless hooks.
 - (iii) September 15 through December 15: Terminal gear (hooks, weights, lures, or baits) may not be within 25 feet of tribal gillnets.
 - (iv) Salmon:
 - (A) Open August 1 through September 1:
 - (I) Limit 2; anglers must keep the first two fish caught provided they are legal to retain.
 - (II) Release chum and wild Chinook.
 - (B) Open September 15 through December 15:
 - (I) Limit 6; no more than 4 adults may be retained.
 - (II) Release Chinook; release chum through October 15.
 - (c) From the Highway 106 Bridge to the mouth of Purdy Creek:
 - (i) Open the first Saturday in June through July 13 and October 1 through December 15 for game fish: Catch and release only.
 - (ii) July 24 through November 30:
 - (A) Anti-snagging rule applies.
 - (B) Night closure in effect.
 - (C) It is unlawful to use anything other than single point, barbless hooks.
 - (iii) September 15 through December 15: Terminal gear (hooks, weights, lures, or baits) may not be within 25 feet of tribal gillnets.
 - (iv) July 24 through July 31: Bait or lure must be sus-pended below a float.

- (v) Salmon:
 - (A) Open July 24 through July 31:
 - (I) Limit 2; anglers must keep the first two fish caught provided they are legal to retain.
 - (II) Release chum and wild Chinook.
 - (B) Open August 1 through August 21 on Fridays, Satur-days, and Sundays only:
 - (I) Limit 2; anglers must keep the first two fish caught provided they are legal to retain.
 - (II) Release chum and wild Chinook.
 - (C) Open August 22 through September 1:
 - (I) Limit 2; anglers must keep the first two fish caught provided they are legal to retain.
 - (II) Release chum and wild Chinook.
 - (D) Open September 15 through December 15:
 - (I) Limit 6; no more than 4 adults may be retained.
 - (II) Release Chinook; release chum through October 15.
 - (d) From the mouth of Purdy Creek to the Highway 101 Bridge:
 - (i) Open the first Saturday in June through July 13 and October 1 through December 15 for game fish: Catch and release only.
 - (ii) July 24 through November 30:
 - (A) Anti-snagging rule applies.
 - (B) Night closure in effect.
 - (C) It is unlawful to use anything other than single-point, barbless hooks.
 - (iii) July 24 through December 15: Terminal gear (hooks, weights, lures, or baits) may not be within 25 feet of tribal gillnets.
 - (iv) July 24 through September 1: Bait or lures must be suspended below a float.
 - (v) Salmon:
 - (A) Open July 24 through September 1:
 - (I) Limit 2; anglers must keep the first two fish caught provided they are legal to retain.
 - (II) Release chum and wild Chinook.
 - (B) Open September 15 through December 15:
 - (I) Limit 6; no more than 4 adults may be retained.
 - (II) Release Chinook; release chum through October 15.
 - (e) From the Highway 101 Bridge upstream to the forks:
 - (i) Open the first Saturday in June through October 31.
 - (ii) Selective gear rules apply.
 - (iii) ~~((It is unlawful to fish from a floating device equipped with an internal combustion motor.~~
 - ~~((iv))~~ Catch and release only.
 - ~~((327))~~ (316) **Skokomish River, North Fork (Mason County):**
 - (a) Selective gear rules apply.
 - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (c) Catch and release only.
 - (d) From the mouth to the lower dam: Open the first Sat-urday in June through October 31.
 - (e) Above Lake Cushman, from the mouth to Olympic National Park boundary: Open the first Saturday in June through August 31.

~~((328))~~ (317) **Skokomish River, South Fork (Mason County):**

- (a) From the mouth to the mouth of LeBar Creek:
 - (i) Open the first Saturday in June through October 31.
 - (ii) Selective gear rules apply.
 - (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (iv) Catch and release only.
- (b) From the mouth of Rule Creek to the headwaters:
 - (i) Open the first Saturday in June through October 31.
 - (ii) Selective gear rules apply.
 - (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (iv) Trout: Minimum length 12 inches.

~~((329))~~ (318) **Skookum Creek (Mason County):**

- (a) Open the first Saturday in June through October 31.
- (b) Selective gear rules apply.
- (c) Trout: Catch and release only.

~~((330))~~ (319) **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.

~~((334))~~ (320) **Skookumchuck Reservoir (Thurston County):**

- (a) Open the first Saturday in June through October 31.
- (b) Trout: Daily limit 2; minimum length 12 inches.

~~((332))~~ (321) **Skykomish River (Snohomish County):**

- (a) From the mouth to the mouth of Wallace River:
 - (i) Open June 1 through January 31.
 - (ii) Anti-snagging rule applies and night closure in effect:
 - (A) August 1 through November 30 from the mouth to Lewis Street Bridge in Monroe; and
 - (B) June 1 through November 30 from Lewis Street Bridge in Monroe to Wallace River.
 - (iii) November 1 through January 31: It is unlawful to fish from any floating device from the boat ramp below Lewis Street Bridge at Monroe downstream 2,500 feet.
 - (iv) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of twenty inches as part of the trout limit.

(v) Salmon:

(A) Open June 1 through July 31: Limit 4 hatchery Chinook; no more than 2 of which may be adults.

(B) For years ending in even numbers:

(I) Open September 1 through December 31.

(II) Limit 3 coho only.

(C) For years ending in odd numbers:

(I) Open August 16 through December 31 from the mouth to Lewis Street Bridge in Monroe.

(II) Open September 1 through December 31 from the Lewis Street Bridge to Wallace River.

(III) Limit 3 salmon plus 1 additional pink; release Chinook and chum.

(b) From the mouth of the Wallace River to the forks:

(i) Open June 1 through January 31.

(ii) From the Highway 2 Bridge at the Gold Bar/Big Eddy Access to the confluence of the North and South Forks: Also open February 1 through February 15.

(iii) August 1 through November 30: Anti-snagging rule applies and night closure in effect.

(iv) June 1 through February 15: It is unlawful to fish from any floating device in the area 1,500 feet upstream and 1,000 feet downstream of the outlet at Reiter Ponds.

(v) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(vi) Salmon:

(A) Open September 1 through December 31.

(B) For years ending in even numbers: Limit 3 coho only.

(C) For years ending in odd numbers: Limit 3 salmon plus 1 additional pink; release Chinook and chum.

~~((333))~~ (322) **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 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.

~~((334))~~ (323) **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 January 31.

(ii) August 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Trout: Minimum length 14 inches.

(b) From Sunset Falls to the source, including all tributaries and their tributaries:

(i) Open the first Saturday in June through November 30.

(ii) Selective gear rules apply.

(iii) Trout: Minimum length 14 inches.

(iv) December 1 through the last day in February:

(A) All tributaries of this river section are closed.

(B) Open for whitefish only; release all other fish.

~~((335))~~ (324) **Sloan Creek (Snohomish County) (Sauk River tributary):**

(a) Open the ~~(first)~~ Saturday ~~((in June))~~ before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

~~((336))~~ (325) **Smith Creek (Whatcom County) (Nooksack River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((337))~~ (326) **Snohomish River (Snohomish County):**

(a) From the mouth to the Highway 9 Bridge: Sturgeon catch and release is permissible year-round.

(b) From the Burlington-Northern Railroad bridges to Highway 9 Bridge, including all channels, sloughs, and interconnected waterways, but excluding all tributaries:

- (i) Open the first Saturday in June through January 31.
- (ii) August 1 through November 30:
 - (A) Anti-snagging rule applies; except anglers fishing for sturgeon may use single-point barbless hooks of any size.
 - (B) Night closure in effect.
- (iii) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.
 - (iv) Salmon:
 - (A) For years ending in even numbers:
 - (I) Open September 1 through December 31.
 - (II) Limit 3 coho only.
 - (B) For years ending in odd numbers:
 - (I) Open August 1 through December 31.
 - (II) Limit 3 salmon plus 1 additional pink; release Chinook and chum.
- ~~((b))~~ (c) From the Highway 9 Bridge to the confluence of the Skykomish and Snoqualmie rivers (all channels):
 - (i) Open the first Saturday in June through January 31.
 - (ii) August 1 through November 30:
 - (A) Anti-snagging rule applies.
 - (B) Night closure in effect.
 - (iii) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.
 - (iv) Salmon:
 - (A) For years ending in even numbers:
 - (I) Open September 1 through December 31.
 - (II) Limit 3 coho only.
 - (B) For years ending in odd numbers:
 - (I) Open August 16 through December 31.
 - (II) Limit 3 plus 1 additional pink; release Chinook and chum.
 - ~~((338))~~ (327) **Snoqualmie River (King County):**
 - (a) From the mouth to Snoqualmie Falls:
 - (i) Closed within the Puget Power tunnel at the falls and within 50 feet of any point on Puget Power's lower Plant #2 building (north bank).
 - (ii) From the first Saturday in June through November 30: Selective gear rules apply.
 - (iii) September 1 through November 30: Night closure in effect.
 - (iv) From the mouth to the boat ramp at the Plum access: Open the first Saturday in June through January 31.
 - (v) From the boat ramp at the Plum access to the falls: Open the first Saturday in June through February 15.
 - (vi) From November 1 through February 15: It is unlawful to fish from any floating device in the waters from the boat ramp at the Plum access to the mouth of Tokul Creek (about 1/4 mile).
 - (vii) Trout: Minimum length 14 inches.
 - (viii) Salmon open September 1 through December 31.
 - (A) For years ending in even numbers: Limit 3 coho only.
 - (B) For years ending in odd numbers: Limit 3 salmon plus 1 additional pink; release Chinook and chum.
 - (b) From Snoqualmie Falls upstream, including the North and South Forks:
 - (i) Selective gear rules apply.

- (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (iii) Open the Saturday before Memorial Day through October 31: Trout minimum length 10 inches.
- (iv) Open November 1 through the Friday before ~~((the first Saturday in June))~~ **Memorial Day**: Catch and release only.
 - (c) Snoqualmie River tributaries upstream of the falls, and the tributaries of the North and South Forks (except Tate, Sunday and Phillapa creeks): Open the Saturday before Memorial Day through October 31. From November 1 through the Friday before Labor Day: Catch and release only.
 - (d) In the Snoqualmie River Middle Fork from the mouth to the source, including all tributaries except Pratt and Taylor rivers:
 - (i) Open year-round.
 - (ii) Selective gear rules apply.
 - (iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (iv) Catch and release only.
 - ~~((339))~~ (328) **South Prairie Creek (Pierce County):** Open the Saturday before Memorial Day through October 31 from the city of Buckley diversion dam upstream.
 - ~~((340))~~ (329) **Spada Lake (Reservoir) (Snohomish County):**
 - (a) Open the fourth Saturday in April through October 31.
 - (b) Selective gear rules apply.
 - (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
 - (d) Trout: Maximum length 12 inches.
 - ~~((341))~~ (330) **Spada Lake (Reservoir) tributaries (Snohomish County):** Closed.
 - ~~((342))~~ (331) **Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County):** ~~((a))~~ Open year-round.
 - ~~((b))~~ Trout: It is unlawful to retain more than 2 trout over 14 inches in length.
 - ~~(343)~~ **Spencer Lake (Mason County):** It is unlawful to retain more than 2 trout over 14 inches in length.
 - ~~((344))~~ (332) **Squalicum Creek (Whatcom County):**
 - (a) Open the first Saturday in June through October 31.
 - (b) Selective gear rules apply.
 - ~~((345))~~ (333) **Squalicum Lake (Whatcom County):**
 - (a) Open for fly fishing only.
 - (b) It is unlawful to fish from a floating device equipped with a motor.
 - (c) Trout: Limit 2.
 - ~~((346))~~ (334) **Squire Creek (Snohomish County) (N.F. Stillaguamish River tributary):**
 - (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 2 hatchery steelhead.
 - ~~((347))~~ (335) **Steel Lake (King County):** Open the fourth Saturday in April through October 31.
 - ~~((348)~~ **Steilacoom Lake (Pierce County):** It is unlawful to retain more than 2 trout over 14 inches in length.

~~(349))~~ (336) **Stetattle Creek (Whatcom County):**
Open the first Saturday in June through October 31 above the mouth of Bucket Creek (approximately 1.5 miles upstream).

~~((350))~~ (337) **Stevens, Lake (Snohomish County):**

(a) Chumming is permissible.

(b) Kokanee: Limit 10; kokanee do not count toward the trout limit.

~~((351))~~ (338) **Steves Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((352))~~ (339) **Stickney Lake (Snohomish County):**
Open the fourth Saturday in April through October 31.

~~((353))~~ (340) **Stillaguamish River (Snohomish County):**

(a) From the mouth to Marine Drive, including all sloughs:

(i) Open year-round.

(ii) Night closure in effect.

~~(iii)~~ (iii) August 1 through November 30: ~~((A))~~ Anti-snagging rule applies; except anglers fishing for sturgeon may use single-point barbless hooks of any size.

~~((B))~~ Night closure in effect.

~~(iii)~~ (iv) Trout: Minimum length 14 inches.

~~((iv))~~ (v) Salmon open September 1 through November 30.

(A) For years ending in even numbers: Limit 2 coho only.

(B) For years ending in odd numbers: Limit 2; release Chinook and chum.

(b) From Marine Drive to the forks:

(i) From the barrier dam (downstream of I-5) downstream 200 feet: Closed.

(ii) Open the first Saturday in June through November 30.

(A) Selective gear rules apply.

(B) Night closure in effect from August 1 through November 30.

(C) Release all fish except anglers may retain up to 2 hatchery steelhead.

(iii) Open December 1 through January 31:

(A) Trout: Minimum length 14 inches.

(B) Salmon open September 1 through November 30.

(I) For years ending in even numbers: Limit 2 coho only.

(II) For years ending in odd numbers: Limit 2; release Chinook and chum.

~~((354))~~ (341) **Stillaguamish River, North Fork (Snohomish County):**

(a) From the North Fork mouth to the mouth of French Creek:

(i) August 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) It is unlawful to fish from any floating device upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge).

(iii) It is unlawful to fish from any floating device equipped with a motor downstream from the Highway 530 Bridge.

(iv) Open the first Saturday in June through January 31:
(A) From the first Saturday in June through November 30:

(I) Fly fishing only.

(II) Release all fish except anglers may retain up to 2 hatchery steelhead.

(B) From December 1 through January 31: Trout minimum length 14 inches.

(b) From the mouth of French Creek to Swede Heaven Bridge:

(i) August 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(ii) Open the first Saturday in June through February 15:

(A) From the first Saturday in June through November 30:

(I) Fly fishing only.

(II) Release all fish except anglers may retain up to 2 hatchery steelhead.

(B) December 1 through February 15: Trout minimum length 14 inches.

(c) From Swede Heaven Bridge to the falls approximately one mile upstream of Cascade Creek:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) Release all fish except anglers may retain up to 2 hatchery steelhead.

(d) Upstream of the falls, including all tributaries and their tributaries: Open the Saturday before Memorial Day through October 31.

~~((355))~~ (342) **Stillaguamish River, South Fork (Snohomish County):**

(a) From the mouth to 400 feet downstream of the outlet to Granite Falls fishway:

(i) Open the first Saturday in June through January 31.

(ii) August 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Trout: Minimum length 14 inches.

(b) From the Mountain Loop Highway Bridge above Granite Falls upstream to the source:

(i) Open the first Saturday in June through November 30.

(ii) Selective gear rules apply.

(iii) August 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

~~((356))~~ (343) **Stimson Creek (Mason County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply

(c) Catch and release only.

~~((357))~~ (344) **Storm Lake (Snohomish County):**

Open the fourth Saturday in April through October 31.

~~((358))~~ (345) **Straight Creek (Snohomish County)**

(Suiattle River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((359))~~ Stump Lake (Mason 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 engine.~~

~~(c) Trout: It is unlawful to retain more than 2 trout over 15 inches in length.~~

~~((360))~~ **(346) Suiattle River (Skagit County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: It is permissible to retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of trout limit.

~~((361))~~ **(347) Sulphur Creek (Snohomish County) (Suiattle River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((362))~~ **(348) Sultan River (Snohomish County):**

(a) From the mouth to a point 400 feet downstream from the diversion dam at river mile 9.7:

(i) Open the first Saturday in June through January 31.

(ii) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(b) Upstream of the diversion dam to Culmback Dam: Open the first Saturday in June through October 31.

~~((363))~~ **(349) Sumas River (Whatcom County):**

Open the first Saturday in June through October 31, including all tributaries except Johnson Creek.

~~((364))~~ **~~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.~~

~~((365))~~ **(350) Susan Lake (Thurston County):**

(a) Selective gear rules apply.

(b) Catch and release only.

~~((366))~~ **(351) Swamp Creek (tributary to Sammamish River) (Snohomish/King counties):** Open the first Saturday in June through August 31 for juvenile anglers only.

~~((367))~~ **(352) Swan's Mill Pond (Stossel Creek)**

(King County): Open the first Saturday in June through October 31.

~~((368))~~ **(353) Symington Lake (Kitsap County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

~~((369))~~ **(354) Tahuya River (Mason County):**

(a) From the mouth to the steel bridge approximately 1 mile upstream of North Shore Road Bridge:

(i) Open the first Saturday in June through August 15 and October 1 through October 31.

(ii) Selective gear rules apply.

(iii) ~~((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)** Release all gamefish.

(b) From the steel bridge approximately one mile upstream of North Shore Road Bridge upstream:

(i) Open the first Saturday in June through August 15 and October 1 through October 31.

(ii) Selective gear rules apply.

(iii) October 1 through October 31: Night closure in effect.

~~(iv) ((It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~(v))~~ Catch and release only.

~~((370))~~ **(355) Tanwax Creek (Thurston County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

~~((371))~~ **(356) Tanwax Lake (Pierce County):** ~~((a)~~

~~Open the fourth Saturday in April through October 31.~~

~~(b))~~ Crappie: Limit 10; minimum length 9 inches.

~~((c))~~ Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

~~(372))~~ **(357) 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.

~~((373))~~ **(358) Taylor River (tributary to the Middle Fork Snoqualmie) (King County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) Catch and release only.

~~((374))~~ **~~Tee Lake (Mason County):~~** It is unlawful to retain more than 2 trout over 14 inches in length.

~~(375))~~ **(359) Tenmile Creek (Whatcom County)**

(Nooksack River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((376))~~ **(360) Tenas Creek (Skagit County) (Suiattle River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((377))~~ **(361) Tenas Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((378))~~ **(362) Tennant Lake (Whatcom County):** It is unlawful to fish from any floating device from the first Friday in October through January 27.

~~((379))~~ **(363) Terrell Creek (Whatcom County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((380))~~ **(364) 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.

~~((381))~~ **(365) Texas Pond (Skagit County):** Game fish: No limit.

(366) Thomas Creek (Skagit County) (Samish River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((382))~~ **(367) Thompson Creek (Thurston County) (Skookumchuck River tributary):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((383))~~ (368) Thornton Creek (tributary to Lake Washington) (King County): Open the first Saturday in June through August 31 for juvenile anglers only.

~~((384))~~ (369) Thornton Creek (Skagit County):

(a) Open the first Saturday in June through October 31.

(b) Release all fish except anglers may retain up to 2 hatchery steelhead.

~~((385))~~ (370) Thornton Creek (Whatcom County):

(a) Open the first Saturday in June through October 31.

(b) Release all fish except anglers may retain up to 2 hatchery steelhead and there is no limit on cutthroat trout.

(371) Thornton Lake, lower (Whatcom County): Cutthroat trout: No limit.

(372) Tibbetts Creek (tributary to Lake Sammamish) (King County): Open the first Saturday in June through August 31 for juvenile anglers only.

~~((386))~~ (373) Tiger Lake (Kitsap/Mason counties):

~~((a))~~ Open the fourth Saturday in April through October 31.

~~((b))~~ Trout: It is unlawful to retain more than 2 trout over 14 inches in length.

~~(387))~~ (374) Toad Lake (Whatcom County): Open the fourth Saturday in April through October 31.

~~((388))~~ (375) Tokul Creek (King County) (Snoqualmie River tributary):

(a) From the mouth to the Fish Hatchery Road Bridge:

(i) Open December 1 through February 15, except closed to fishing from 5:00 p.m. to 7:00 a.m.

(ii) Anti-snagging rule applies.

(iii) Trout: Minimum length 14 inches.

(b) From Fish Hatchery Road Bridge to the posted cable boundary marker located approximately 400 feet downstream of the hatchery intake:

(i) Open January 15 through February 15, except closed to fishing from 5:00 p.m. to 7:00 a.m.

(ii) Anti-snagging rule applies.

(iii) Trout: Minimum length 14 inches.

(c) From Tokul Road S.E. upstream, including all tributaries and beaver ponds: Open the Saturday before Memorial Day through October 31.

~~((389))~~ (376) Tolt River (King County):

(a) From the mouth to the USGS trolley cable near the confluence of the North and South Forks:

(i) Open the first Saturday in June through January 31

~~((ii))~~ From the first Saturday in June through November 30): Selective gear rules apply.

~~((iii))~~ (ii) Trout: Minimum length 14 inches.

(b) From the falls upstream, on the North Fork, including all tributaries:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(c) On the South Fork, from the dam upstream:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) Trout: Minimum length 10 inches.

~~((390))~~ Trail's End Lake (Mason County): It is unlawful to retain more than 2 trout over 14 inches in length.

~~(391) Twin Lake (Mason County)~~: It is unlawful to retain more than 2 trout over 14 inches in length.

~~(392))~~ (377) Twenty-two Lake (Snohomish County): Open the Saturday before Memorial Day through October 31 upstream from the falls located approximately at river mile 0.25 upstream.

(378) Tye River (King County):

(a) From Foss River to Alpine Falls:

(i) Open the first Saturday in June through October 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.

~~((393))~~ (379) U Lake (Mason County): Open the fourth Saturday in April through October 31.

~~((394))~~ (380) Uncle John Creek (Mason County):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Catch and release only.

~~((395))~~ (381) Union River (Mason County):

(a) From the mouth to the North Shore Road Bridge:

(i) Open the first Saturday in June through August 15.

(ii) Catch and release only.

(b) From the North Shore Road Bridge to the lower bridge on Old Belfair Highway:

(i) Open the first Saturday in June through August 15.

(ii) Selective gear rules apply.

(iii) ~~((It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~((iv))~~ Catch and release only.

(c) From the lower bridge on Old Belfair Highway upstream:

(i) Open the first Saturday in June through October 31.

(ii) Selective gear rules apply.

(iii) ~~((It is unlawful to fish from a floating device equipped with an internal combustion motor.~~

~~((iv))~~ Catch and release only.

~~((396))~~ (382) Vogler Lake (Skagit County):

(a) ~~((Open the fourth Saturday in April through October 31.~~

~~((b))~~ Fly fishing only.

~~((c))~~ (b) Catch and release only.

~~((397))~~ (383) Voight Creek (Pierce County): Open the Saturday before Memorial Day through October 31 from the falls, approximately 4.0 river miles upstream of the mouth and under the power lines, upstream.

~~((398))~~ (384) Waddell Creek (Thurston County)

(Black River tributary):

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

~~((399))~~ (385) Wagners Lake (Snohomish County): Open the fourth Saturday in April through October 31.

~~((400))~~ (386) Walker Lake (King County): Open the fourth Saturday in April through October 31.

~~((401))~~ (387) **Wallace River (Snohomish County):**

(a) From the mouth to 363rd Ave. S.E./Reece Rd:

(i) Open from the first Saturday in June through February 15.

(ii) From June 1 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) From November 1 through February 15: It is unlawful to fish from any floating device.

(iv) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(v) Salmon open September 16 through November 30:

(A) In years ending in even numbers: Limit 3 coho only.

(B) In years ending in odd numbers: Limit 3 salmon plus 1 additional pink; release Chinook and chum.

(b) From 363rd Avenue S.E./Reece Road to 200 feet upstream of the water intake of the salmon hatchery:

(i) Open September 16 through February 15.

(ii) September 16 through November 30:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) November 1 through February 15: It is unlawful to fish from any floating device.

(iv) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(v) Salmon open September 16 through November 30:

(A) In years ending in even numbers: Limit 3 coho only.

(B) In years ending in odd numbers: Limit 3 salmon plus 1 additional pink; release Chinook and chum.

(c) From 200 feet upstream of the water intake of the salmon hatchery to Wallace Falls:

(i) Open November 1 through January 31.

(ii) It is unlawful to fish from any floating device.

(iii) Trout: Minimum length 14 inches, except anglers may retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

(d) From Wallace Falls upstream, including all tributaries and their tributaries: Open the Saturday before Memorial Day through October 31.

~~((402))~~ (388) **Wapato Lake (Pierce County):** Open to juvenile anglers only.~~((403))~~ **Ward Lake (Thurston County):**~~(a) Open the fourth Saturday in April through October 31.~~~~(b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length, except there are no size restrictions for kokanee.~~~~(404))~~ (389) **Washington Creek (Mason County):** Open the ~~((first))~~ Saturday ~~((in June))~~ before Memorial Day through October 31.~~((405))~~ (390) **Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County):**

(a) Open year-round.

(b) It is unlawful to fish from a floating device within 100 yards of either side of the floating bridges.

(c) Chumming is permissible.

(d) 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.

(e) Salmon:

(i) Open September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge.

(ii) Limit 4 coho only.

~~((406))~~ (391) **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) West of the Fremont Bridge: It is unlawful to fish from a floating device.

(b) East of the Fremont Bridge: Chumming is permissible.

(c) From the west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed.

(d) From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary:

(i) Open year-round for game fish.

(ii) Trout:

(A) Open December 1 through the last day in February: No minimum length.

(B) Open March 1 through June 30: Minimum length 12 inches.

(C) Open July 1 through November 30: No minimum length.

(D) Release steelhead and rainbow trout over 20 inches in length.

~~((407))~~ (392) **Waughop Lake (Pierce County):** Land-locked salmon rules apply.~~((408))~~ (393) **Whatcom Creek (Whatcom County):**

(a) From the mouth to the markers below the footbridge below Dupont Street in Bellingham:

(i) Open the first Saturday in June through ~~((the last day in February))~~ December 31.(ii) August 1 through December 31: ~~((A) Anti-snagging rule applies.~~~~(B))~~ Night closure in effect.

(iii) Trout: Minimum length 14 inches.

(iv) Salmon: Open August 1 through December 30.

(A) Limit 6; anglers may retain up to 2 adult salmon.

(B) 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 ~~((Woburn Street Bridge))~~ the stone bridge at Whatcom Falls Park:

(i) Open the first Saturday in June through the last day in February.

(ii) August 1 through December 31: ~~((A) Anti-snagging rule applies:~~

~~(B))~~ Night closure in effect.

(iii) Trout: Minimum length 14 inches.

(c) From the stone bridge at Whatcom Falls Park upstream to Lake Whatcom:

(i) Open the fourth Saturday in April through October 31 for juvenile anglers only.

(ii) August 1 through October 31: ~~((A) Anti-snagging rule applies:~~

~~(B))~~ Night closure in effect.

(iii) Trout: No minimum length.

~~((409))~~ **(394) Whatcom, Lake (Whatcom County):**

(a) Open the fourth Saturday in April through October 31, except the waters between the Electric Avenue Bridge and the outlet dam are closed.

(b) Cutthroat trout: Catch and release only.

~~((410))~~ **(395) Whatcom, Lake, tributaries (Whatcom County):** Closed.

~~((411) White Creek (Skagit County) (Sauk River tributary):~~

~~(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 2 hatchery steelhead.~~

~~(412))~~ **(396) White (Stuck) River (Pierce County):**

(a) From the mouth to R Street Bridge in Auburn:

(i) Open October 1 through October 31:

(A) Fly fishing only.

(B) Catch and release only.

(ii) Open November 1 through January 15: Trout minimum length 14 inches.

(iii) October 1 through January 15:

(A) Selective gear rules apply.

(B) Night closure in effect.

(b) From R Street Bridge to the Highway 410 Bridge at Buckley:

(i) Open October 1 through October 31, except closed in the Puget Power canal, including the screen bypass channel above the screen at Dingle Basin.

(ii) Selective gear rules apply.

(iii) Night closure in effect.

(iv) Trout: Minimum length 14 inches.

(c) From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) upstream to the source:

(i) Open July 1 through October 31.

(A) October 1 through October 31: Night closure in effect.

(B) Selective gear rules apply.

(C) Catch and release only.

(ii) Open for whitefish only November 1 through January 31; whitefish gear rules apply.

~~((413))~~ **(397) Whitechuck River (Snohomish County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) It is permissible to retain Dolly Varden/Bull trout with a minimum length of 20 inches as part of the trout limit.

~~((414))~~ **(398) Wildberry Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((415))~~ **(399) Wildcat Lake (Kitsap County):** ~~((a))~~ Open the fourth Saturday in April through October 31.

~~((b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.~~

~~(416))~~ **(400) Wilderness Lake (King County):**

(a) Open the fourth Saturday in April through October 31.

(b) Landlocked salmon rules apply.

~~((417))~~ **(401) Wilkeson Creek (Pierce County) (South Prairie Creek tributary) upstream of confluence with Gale Creek:** Open the first Saturday in June through October 31.

~~((418))~~ **(402) Woodard Creek (Thurston County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

~~((419))~~ **(403) Wood Lake (Mason County):** ~~((a))~~ Open the fourth Saturday in April through October 31.

~~((b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.~~

~~(420))~~ **(404) Woodland Creek (Thurston County):**

(a) Open the first Saturday in June through October 31.

(b) Selective gear rules apply.

(c) Trout: Minimum length 14 inches.

~~((421))~~ **(405) 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.

~~((422))~~ **(406) Wooten Lake (Mason County):** ~~((a))~~

Open the fourth Saturday in April through October 31.

~~((b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.~~

~~(423))~~ **(407) Wye Lake (Kitsap County):** ~~((a))~~ Open the fourth Saturday in April through October 31.

~~((b) Trout: It is unlawful to retain more than 2 trout over 14 inches in length.~~

~~(424))~~ **(408) Youngs Creek (Snohomish County) (Skykomish River tributary) (Elwell Creek tributary, Skykomish River tributary near town of Sultan):** Open the Saturday before Memorial Day through October 31 above Potson Road (299th Avenue S.E. Bridge) including all tributaries and beaver ponds.

AMENDATORY SECTION (Amending WSR 15-13-081, filed 6/12/15, effective 7/13/15)

WAC 220-310-195 Freshwater exceptions to statewide rules—Eastside. (1) Countywide freshwater exceptions to statewide rules:

(a) All lake, pond, and reservoir inlets and outlets and irrigation canals, wasteways, and drains in Grant and Adams counties (except Crab Creek, Rocky Ford Creek and Ponds, Columbia Basin Hatchery Creek, Bobcat Creek, Coyote Creek, Hays Creek, Red Rock Creek, Sand Hollow Creek, and Lake Lenore inlet and outlet) are open year-round.

(b) In Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River) and Enloe Dam (Similkameen River): It is permissible to fish up to the base of all dams.

(c) In Ferry, Lincoln, and Stevens counties:

(i) Unless otherwise provided in this section, all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport except Barnaby, Nancy, and Onion creeks are open the Saturday before Memorial Day through October 31.

(ii) Trout: Limit 5, no minimum length.

(2) **Aeneas Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31 for fly fishing only.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Trout: Limit one.

(3) **Ahtanum Creek, including North and Middle Forks (Yakima County):**

(a) Selective gear rules apply.

(b) Trout minimum length ten inches.

(c) In the North Fork, open from the mouth to Grey Rock Trailhead Bridge crossing and upstream from the mouth of Shellneck Creek.

(d) In the Middle Fork, open from the mouth to the A2000 Road Spur Road Bridge in NE Section 34 and upstream of the A2000 Road Bridge at Tree Phones Campground.

(4) **Alta Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(5) **Amber Lake (Spokane County):**

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Open March 1 through November 30.

(i) From March 1 through the Friday before fourth Saturday in April, and October 1 through November 30: Catch and release only.

(ii) From the fourth Saturday in April through September 30:

(A) Trout: Limit two; minimum length fourteen inches.

(B) Release rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin.

(6) **American River (Yakima County):**

(a) Selective gear rules apply.

(b) From the Highway 410 Bridge at river mile 5.4 to the Mesatchee Creek Trail crossing at river mile 15.8:

(i) Open the first Saturday in June to July 15.

(ii) Open September 16 to October 31.

(c) From the mouth to the Highway 410 Bridge at river mile 5.4 and upstream of the Mesatchee Creek Trail river crossing at river mile 15.8: Open the first Saturday in June through October 31.

(d) Trout minimum length ten inches in the mainstem only.

(e) American River tributaries, except Union and Kettle creeks: Open.

(7) **Amon Wasteway (Benton County):**

(a) Selective gear rules apply.

(b) Trout minimum length ten inches.

(8) **Asotin Creek, mainstem and forks (Asotin County):**

(a) It is unlawful to fish for steelhead.

(b) From SR 129 Bridge upstream to the forks: It is permissible to fish up to the base of Headgate Dam.

(c) Asotin mainstem and the mainstem North Fork from the mouth upstream to the USFS boundary: Selective gear rules apply.

(d) North Fork from the USFS boundary upstream and all other tributaries: Closed.

(e) South Fork and tributaries: Closed.

(9) **B.C. Mill Pond (Stevens County):** Open the fourth Saturday in April through October 31.

(10) **Badger Lake (Spokane County):** Open the fourth Saturday in April through September 30.

(11) **Banks Lake (Grant County):**

(a) Chumming is permissible.

(b) Crappie: Limit 10; minimum size 9 inches.

(c) Perch: Limit twenty-five.

(12) **Bayley Lake (Stevens County):**

(a) Inlet stream: Closed.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Open the fourth Saturday in April through October 31.

(i) From the fourth Saturday in April through July 4: Trout limit one; minimum length 14 inches.

(ii) From July 5 through October 31: Catch and release only.

(13) **Bear Creek (Yakima County) (tributary to South Fork Tieton River):** Open upstream of the Bear Creek Falls, approximately 3/4 mile upstream of USFS Road 1070.

(14) **Bear Lake (Spokane County):** Open to juvenile anglers, licensed adults accompanied by a juvenile, and anglers with a disability who possess a designated harvester companion card only.

(15) **Beaver Lake (Columbia County):**

(a) Open March 1 through October 31.

(b) It is unlawful to fish from any floating device.

(16) **Beaver Lake (Big) (Okanogan County):** Open the fourth Saturday in April through October 31.

(17) **Beaver Lake (Little) (Okanogan County):** Open the fourth Saturday in April through October 31.

(18) **Beda Lake (Grant County):**

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Limit one.

(19) **Beehive (Lake) Reservoir (Chelan County):**

(a) Open the fourth Saturday in April through October 31.

(b) From July 5 through October 31:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Catch and release only.

(20) **Bennington Lake (Mill Creek Reservoir) (Walla Walla County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

(21) **Beth Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(22) **Big Four Lake (Columbia County):**

(a) Open March 1 through October 31 for fly fishing only.

(b) It is unlawful to fish from any floating device.

(c) Trout: Limit two.

(23) **Big Meadow Creek (Chelan County):** From the mouth upstream:

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) Trout:

(i) Rainbow trout: Catch and release only.

(ii) Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(d) Big Meadow Creek tributaries from the mouth of Big Meadow Creek upstream: Open the Saturday before Memorial Day through October 31.

(24) **Big Meadow Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(25) **Big Tiffany Lake (Okanogan County):**

(a) Eastern brook trout: No limit; eastern brook trout do not count toward the trout limit.

(b) Cutthroat: Limit two.

(26) **Big Twin Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit one.

(27) **Bird Creek (Klickitat County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Trout: Limit 5.

(28) **Blackbird Island Pond (Chelan County):** Open July 1 through September 30 for juvenile anglers only.

(29) **Black Lake (Okanogan County):**

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(30) **Black Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(31) **Blockhouse Creek (Klickitat County):** Trout limit five.

(32) **Blue Lake (Columbia County):**

(a) It is unlawful to fish from any floating device.

(b) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

(33) **Blue Lake (Grant County):** Open the fourth Saturday in April through September 30.

(34) **Blue Lake (near Sinlahekin) (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(e) Trout: Limit one.

(35) **Blue Lake (near Wannacut Lake) (Okanogan County):**

(a) Open the Fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit one.

(36) **Bobcat Creek and Ponds (Adams County):** Open April 1 through September 30.

(37) **Bonaparte Creek (Okanogan County):** From the falls upstream to river mile 1.0, including all tributaries:

(a) Open the Saturday before Memorial Day through October 31.

(b) Bass: No limit and no size restrictions.

(c) Channel catfish: No limit.

(d) Walleye: No limit and no size restrictions.

(38) **Bonaparte Lake (Okanogan County):**

(a) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(b) Trout: It is unlawful to retain more than one trout over twenty inches in length.

(39) **Boulder Creek and tributaries (Okanogan County):**

(a) From the mouth to the barrier falls at river mile 1.0:

(i) Open the Saturday before Memorial Day through August 15:

(ii) Selective gear rules apply.

(iii) Catch and release only.

(b) From barrier falls at river mile 1.0 upstream, including all tributaries:

(i) Open the Saturday before Memorial Day through October 31:

(ii) Eastern brook trout: Limit 10; eastern brook trout do not count toward the trout limit.

(c) Cutthroat: Limit 2.

(40) **Bowman Creek (Klickitat County):** From Canyon Creek upstream to source: Trout limit 5.

(41) **Box Canyon Creek and tributaries (Kittitas County):** Upstream from the 20 foot waterfall approximately 2 miles upstream of the mouth to the USFS Road #4930 Bridge: Selective gear rules apply. Open the first Saturday in June through October 31.

(42) **Browns Creek (Pend Oreille County):**

(a) Open the Saturday before Memorial Day until October 31.

(b) Fly fishing only.

(43) **Browns Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

- (b) Fly fishing only.
- (c) It is unlawful to fish from a floating device equipped with a motor.
- (d) Trout: It is unlawful to retain more than one trout greater than 11 inches in length.
- (44) Buck Creek and tributaries (Chelan County):**
- (a) Open the Saturday before Memorial Day through October 31 from the mouth of Buck Creek upstream.
- (b) Selective gear rules apply.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (45) Bumping Lake (Reservoir) (Yakima County):**
- (a) It is permissible to fish two poles, so long as the angler possesses a valid two-pole endorsement.
- (b) Chumming is permissible.
- (c) Kokanee: Limit sixteen; kokanee do not count towards the trout limit.
- (46) Bumping River (Yakima County):**
- (a) It is permissible to fish up to the base of Bumping Dam.
- (b) From the mouth to Bumping Reservoir, including all tributaries except American River:
- (i) Selective gear rules apply.
- (ii) Trout minimum size ten inches.
- (c) From Bumping Lake upstream, including all tributaries except Deep Creek: Open the Saturday before Memorial Day through October 31.
- (47) Burbank Slough (Walla Walla County):** It is unlawful to fish from any floating device in the area east and north of Highway 12, except for the channel east of Highway 12 up to the fish screen at the Number 3 Pumping Station.
- (48) Burke Lake (Grant County):** Open March 1 through July 31.
- (49) Buttermilk Creek (Okanogan County), including all tributaries:**
- (a) Open the Saturday before Memorial Day through August 15.
- (b) Catch and release only.
- (c) Selective gear rules apply.
- (50) Buzzard Lake (Okanogan County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Selective gear rules apply.
- (c) Trout: Limit one.
- (51) Caldwell Lake (Pend Oreille County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (c) Trout: Limit two; minimum length twelve inches.
- (52) Caliche Lakes, Upper (Grant County):** Open March 1 through July 31.
- (53) Calispell Creek (Calispell River) (Pend Oreille County):**
- (a) Eastern brook trout: Limit 10; once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken.
- (b) From the mouth to Calispell Lake: Open year-round.
- (c) From Calispell Lake upstream to the source:
- (i) Selective gear rules apply.
- (ii) Open the Saturday before Memorial Day through October 31.
- (54) Calispell Creek tributaries (Pend Oreille County):**
- (a) Open the Saturday before Memorial Day through October 31.
- (b) Selective gear rules apply.
- (c) Eastern brook trout: Limit 10; once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken.
- (55) Campbell Lake (Okanogan County):**
- (a) Open year-round.
- (b) April 1 through August 31.
- (i) Selective gear rules apply.
- (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (iii) Catch and release only.
- (56) Carl's Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.
- (57) Cascade Lake (Grant County):** Open March 1 through July 31.
- (58) Cattail Lake (Grant County):** Open April 1 through September 30.
- (59) Cedar Creek (Okanogan County):**
- (a) From the mouth to Cedar Falls: Open the Saturday before Memorial Day through August 15.
- (i) Selective gear rules apply.
- (ii) Catch and release only.
- (b) Cedar Creek and all tributaries above Cedar Falls:
- (i) Open the Saturday before Memorial Day through October 31.
- (ii) Selective gear rules apply.
- (60) Cedar Creek and tributaries (Pend Oreille County):**
- (a) Open the Saturday before Memorial Day through October 31.
- (b) Eastern brook trout: Limit 10; once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken.
- (61) Cedar Lake (Stevens County):** Open the fourth Saturday in April through October 31.
- (62) Chain Lake (Pend Oreille County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Release ((æH)) kokanee.
- (63) Chapman Lake (Spokane County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Chumming is permissible.
- (c) Kokanee: Limit ten; kokanee do not count toward the trout limit.
- (64) Chelan Lake (Chelan County):**
- (a) South of a line from Purple Point at Stehekin and Painted Rocks:
- (i) Within 400 feet of all tributaries: Closed.
- (ii) Trout:
- (A) Release wild cutthroat.
- (B) Kokanee and lake trout do not count toward the trout limit.
- (iii) Kokanee: Limit 10; no minimum size.

(iv) Lake trout: No limit; no minimum size.

(v) Salmon open year round: Daily limit 1; no minimum size.

(b) North of a line between Purple Point at Stehekin and Painted Rocks:

(i) Lake trout open year-round: No limit.

(ii) Salmon open year-round: Limit 1; minimum length 15 inches.

(iii) From August 1 through March 31:

(A) Trout:

(I) Release wild cutthroat.

(II) Kokanee and lake trout do not count toward the trout limit.

(B) Kokanee: Limit 10.

(65) Chelan Lake tributaries (Chelan County):

(a) Open August 1 through September 30 from the mouths upstream one mile, except Stehekin River.

(b) Selective gear rules apply.

(c) Trout: Release wild cutthroat.

(66) Chelan River (Chelan County):

(a) From the railroad bridge to the Chelan P.U.D. safety barrier below the power house:

(i) Open May 15 through August 31.

(ii) Barbless hooks are required for salmon and steelhead.

(iii) July 1 through October 15: Anti-snagging rule and night closure in effect.

(b) Trout: Catch and release only.

(c) Salmon: Open July 1 through October 15:

(i) Limit 8; no more than 2 adult hatchery Chinook and no more than 6 sockeye may be retained.

(ii) Release coho and wild adult Chinook.

(67) Chewuch River (Okanogan County):

(a) From the mouth to Eight Mile Creek:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(b) From the mouth to Pasayten Wilderness boundary falls: Open December 1 through March 31 for whitefish only; whitefish gear rules apply.

(c) From the Pasayten Wilderness boundary falls upstream, including tributaries: Open the Saturday before Memorial Day through October 31.

(68) Chikamin Creek and all tributaries (Chelan County):

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) Trout:

(i) Rainbow trout are catch and release only.

(ii) Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(69) Chiwaukum Creek and all tributaries from Fool Hen Creek upstream, not including Fool Hen Creek (Chelan County):

(a) Selective gear rules apply.

(b) Open the Saturday before Memorial Day through October 31.

(c) Chiwaukum Creek tributaries from mouth of Chiwaukum Creek to Fool Hen Creek, including Fool Hen Creek: Open the Saturday before Memorial Day through October 31.

(70) Chiwawa River and all tributaries from Buck Creek upstream, including Buck Creek (Chelan County):

(a) Selective gear rules apply.

(b) Open the Saturday before Memorial Day through October 31.

(c) Chiwawa River tributaries from the mouth to Buck Creek, except Big Meadow, Buck, Chikamin, Clear, Phelps and Rock creeks: Open the Saturday before Memorial Day through October 31.

(71) Chopaka Lake (Okanogan County):

(a) Open the fourth Saturday in April through October 31 for fly fishing only.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Trout: Limit one.

(72) Chumstick Creek (Chelan County): From the mouth upstream:

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) Trout:

(i) Rainbow trout, catch and release only.

(ii) Eastern brook trout: Limit 16. Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(d) Chumstick Creek tributaries from the mouth of Chumstick Creek upstream: Open the Saturday before Memorial Day through October 31.

(73) Clear Creek (Chelan County): Closed.

(74) Clear Lake (Chelan County):

(a) Open the fourth Saturday in April through October 31.

(b) From July 5 through October 31:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Catch and release only.

(75) Clear Lake (Spokane County): Open the fourth Saturday in April through October 31.

(76) Cle Elum Lake (Reservoir) (Kittitas County):

(a) Trout: Lake trout, brown trout, and eastern brook trout are not included in the trout limit.

(b) Kokanee: Minimum length 9 inches and maximum length 15 inches.

(77) Cle Elum River (Kittitas County):

(a) From the mouth to Cle Elum Dam:

(i) Open year-round.

(ii) Selective gear rules apply.

- (iii) Trout: Catch and release only.
- (iv) It is permissible to fish up to the base of Cle Elum Dam.
- (v) December 1 through January 31: Whitefish gear rules apply.
- (b) From above Cle Elum Lake to outlet of Hyas Lake (not including Tucquala Lake):
 - (i) Open the Saturday before Memorial Day through October 31.
 - (ii) Selective gear rules apply.
 - (iii) Trout minimum size ten inches.
 - (c) All tributaries to Cle Elum River above Cle Elum Lake to outlet of Hyas Lake not otherwise provided for in this section: Open the Saturday before Memorial Day through October 31.
- (78) **Cliff Lake (Grant County):** Open March 1 through July 31.
- (79) **Coffee Pot Lake (Lincoln County):**
 - (a) Open March 1 through September 30.
 - (b) Selective gear rules apply.
 - (c) Crappie: Limit ten; minimum length nine inches.
 - (d) Trout: Limit one; minimum length eighteen inches.
- (80) **Columbia Basin Hatchery Creek (Grant County):**
 - (a) Open April 1 through September 30 from the hatchery outflow to the confluence with Rocky Coulee Wasteway.
 - (b) Open to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.
 - (c) Trout: Limit 3; no minimum size.
- (81) **Columbia Park Pond (Benton County):**
 - (a) Open to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.
 - (b) All species: Limit 5 fish combined.
- (82) **Columbia River tributaries (all independent tributaries in Kittitas County between Wanapum Dam and Chelan County boundary line):**
 - (a) Selective gear rules apply.
 - (b) Trout minimum size ten inches.
- (83) **Colville River (Stevens County):**
 - (a) From the mouth to the bridge at town of Valley:
 - (i) Open year-round.
 - (ii) Trout:
 - (A) Limit 5.
 - (B) From October 1 through November 30, no more than 2 brown trout may be retained.
 - (iii) Walleye: Limit 16; no size restrictions.
 - (b) All tributaries to Colville River, from the mouth to the bridge at the town of Valley, open the Saturday before Memorial Day through October 31.
 - (c) From the bridge at the town of Valley upstream, including tributaries:
 - (i) Open the Saturday before Memorial Day through October 31.
 - (ii) Selective gear rules apply.
- (84) **Conconully Lake (Okanogan County):** Open the fourth Saturday in April through October 31.
- (85) **Conconully Reservoir (Okanogan County):** Open the fourth Saturday in April through October 31.
- (86) **Conger Pond (Pend Oreille County):** Open the fourth Saturday in April through October 31.

- (87) **Conner Lake (Okanogan County):** Open the fourth Saturday in April through October 31.
- (88) **Coot Lake (Grant County):** Open April 1 through September 30.
- (89) **Corral Creek (Benton County):**
 - (a) Selective gear rules apply.
 - (b) Trout minimum size ten inches.
- (90) **Cottonwood Creek (Lincoln County):** Open year-round.
- (91) **Cottonwood Creek (Walla Walla County):** Closed.
- (92) **Cougar Lake (Pasayten Wilderness) (Okanogan County):**
 - (a) Selective gear rules apply.
 - (b) It is permissible to fish two poles so long as the angler possesses a two-pole endorsement.
- (93) **Cougar Lake (near Winthrop) (Okanogan County):**
 - (a) Open year-round.
 - (b) Selective gear rules apply.
 - (c) From April 1 through August 31:
 - (i) Catch and release only.
 - (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (94) **Coyote Creek and Ponds (Adams County):** Open April 1 through September 30.
- (95) **Crab Creek (Adams/Grant/Lincoln counties):**
 - (a) From the mouth to Morgan Lake Road in Section 36: Open April 1 through September 30.
 - (b) From Morgan Lake Road in Section 36 to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed.
 - (c) From the confluence of the Moses Lake outlets to Sand Dune Rd. (including all tributaries):
 - (i) Open year-round.
 - (ii) For minimum size and limits see Potholes Reservoir Rules (Eastside Lakes).
 - (iii) All species from March 1 through May 31: Only one single-point hook 3/4 inch or less measured from point to shank may be used.
 - (d) From the fountain buoy and shoreline markers or 150' downstream of the Alder Street fill to Grant County Rd. 7 (including all tributaries except Columbia Basin Hatchery Creek):
 - (i) Open year-round.
 - (ii) For minimum size and limits see Moses Lake Rules (Eastside Lakes).
 - (iii) All species from March 10 through May 31: Only one single-point hook 3/4 inch or less measured from point to shank may be used.
 - (e) Above Grant County Rd. 7 (including all tributaries, except Goose Creek in the city of Wilbur): Open year-round.
- (96) **Crawfish Lake (Okanogan County):**
 - (a) Open the fourth Saturday in April through October 31.
 - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (97) **Crescent Lake (Pend Oreille County):** Open the Fourth Saturday in April through October 31.
- (98) **Crystal Lake (Grant County):** Open March 1 through July 31.

- (99) **Cup Lake (Grant County):** Open March 1 through July 31.
- (100) **Curl Lake (Columbia County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) It is unlawful to fish from any floating device.
- (c) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.
- (101) **Dalton Lake (Franklin County):** It is unlawful to retain more than 2 trout over 13 inches in length.
- (102) **Davis Lake (Ferry County):** Open the fourth Saturday in April through October 31.
- (103) **Davis Lake (Okanogan County):**
- (a) Open year-round.
- (b) April 1 through August 31:
- (i) Selective gear rules apply.
- (ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (iii) Catch and release only.
- (104) **Davis Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.
- (105) **Dayton Pond (Columbia County):**
- (a) Open to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.
- (b) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.
- (106) **Deadman Lake (Adams County):** Open April 1 through September 30.
- (107) **Deep Creek (tributary to Bumping Lake) (Yakima County):** Upstream from the waterfall approximately 1/3 mile above the second bridge crossing on USFS Road 1808 upstream: Open the Saturday before Memorial Day through October 31.
- (108) **Deep Lake (Grant County):** Open the fourth Saturday in April through September 30.
- (109) **Deep Lake (Stevens County):** Open the fourth Saturday in April through October 31.
- (110) **Deer Lake (Columbia County):**
- (a) Open March 1 through October 31.
- (b) It is unlawful to fish from any floating device.
- (c) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.
- (111) **Deer (Deer Springs) Lake (Lincoln County):** Open the fourth Saturday in April through September 30.
- (112) **Deer Lake (Stevens County):**
- (a) Open March 1 through October 31.
- (b) Trout: It is unlawful to retain more than two trout over thirty inches in length.
- (113) **Diamond Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.
- (114) **Dog Lake (Yakima County):** It is unlawful to retain more than 1 trout over 14 inches in length.
- (115) **Domerie Creek (Kittitas County):**
- (a) Selective gear rules apply.
- (b) Trout minimum size ten inches.
- (116) **Downs Lake (Lincoln/Spokane counties):**
- (a) Open March 1 through September 30.
- (b) Crappie: Limit ten; minimum length nine inches.
- (117) **Dry Falls Lake (Grant County):**
- (a) Open April 1 through November 30.
- (b) Selective gear rules apply.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (d) Trout: Limit one.
- (118) **Dune Lake (Grant County):**
- (a) Selective gear rules apply.
- (b) Trout: Limit one.
- (119) **Dusty Lake (Grant County):**
- (a) Open March 1 through November 30.
- (b) Selective gear rules apply.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (d) Trout: Limit one.
- (120) **Early Winters Creek (Okanogan County):** From the mouth upstream; including all tributaries except Cedar Creek:
- (a) Open the Saturday before Memorial Day through August 15.
- (b) Selective gear rules apply.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (d) Catch and release only.
- (121) **East Little Walla Walla River (Walla Walla County):** Closed.
- (122) **Eightmile Lake (Chelan County):** It is unlawful to retain more than two mackinaw as part of the trout limit.
- (123) **Elbow Lake (Stevens County):** Open the fourth Saturday in April through October 31.
- (124) **Ell Lake (Okanogan County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Selective gear rules apply.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (d) Trout: Limit one.
- (125) **Ellen Lake (Ferry County):**
- (a) Open the fourth Saturday in April through October 31.
- (b) Release all fish, except anglers may retain up to five rainbow trout.
- (126) **Eloika Lake (Spokane County):** Crappie limit ten; minimum length nine inches.
- (127) **Lake Entiat (Col.R.) tributaries (Chelan/Douglas County):** Open the Saturday before Memorial Day through October 31 from Rocky Reach Dam to Wells Dam, except the Entiat River, Chelan River and Chelan Hatchery Creek.
- (128) **Entiat River (Chelan County):**
- (a) From mouth (railroad bridge) to the upper Roaring Creek Road Bridge (immediately downstream of the Entiat National Fish Hatchery): Salmon open July 25 through September 30.
- (i) Minimum length 12 inches.
- (ii) Limit 2 hatchery Chinook salmon.
- (iii) Selective gear rules apply.
- (iv) Night closure in effect.
- (b) From mouth (railroad bridge) to Entiat Falls: Whitefish open December 1 through March 31; Whitefish gear rules apply.

(c) Entiat River tributaries from the mouth to Entiat Falls, except the Mad River and Roaring Creek: Open the Saturday before Memorial Day through October 31.

(d) Entiat River and all tributaries above Entiat Falls:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) Trout:

(A) Limit 5; it is unlawful to retain more than one trout greater than 12 inches in length.

(B) Eastern brook trout: Limit 10. Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(129) **Ephrata Lake (Grant County):** Closed.

(130) **Empire Lake (Ferry County):** Open the fourth Saturday in April through October 31.

(131) **Esquatzel Coulee (Franklin County):** Open year-round.

(132) **Esquatzel Coulee, West Branch (Franklin County):** Open year-round.

(133) **Fan Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(134) **Ferry Lake (Ferry County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(135) **Fio Rito Lakes (Kittitas County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.

(136) **Fish Lake (Chelan County):**

(a) Perch: Limit 25.

(b) Trout: It is unlawful to retain more than 2 trout over 15 inches in length.

(137) **Fish Lake (Ferry County):** Open the fourth Saturday in April through October 31.

(138) **Fish Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(139) **Fish Lake (Spokane County):**

(a) Open the fourth Saturday in April through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(140) **Fishhook Pond (Walla Walla County):**

(a) Open March 1 through October 31.

(b) It is unlawful to fish from a floating device.

(c) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

(141) **Fishtrap Lake (Lincoln/Spokane counties):** Open the fourth Saturday in April through September 30.

(142) **Forde Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(143) **Fourth of July Lake (Adams/Lincoln counties):**

(a) Open the first Friday after Thanksgiving through March 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: It is unlawful to retain more than two trout over fourteen inches in length.

(144) **Frater Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(145) **Frenchman Hills Lake (Grant County):** Open February 1 through September 30.

(146) **Gadwall Lake (Grant County):** Open April 1 through September 30.

(147) **Garfield Juvenile Pond (Whitman County):** Open to juvenile anglers only.

(148) **Gillette Lake (Stevens County):** Open the fourth Saturday in April through October 31.

(149) **Goat Creek (Okanogan County):** From the mouth upstream including all tributaries:

(a) Open the Saturday before Memorial Day through August 15.

(b) Selective gear rules apply.

(c) Catch and release only.

(150) **Golf Course Pond (Asotin County):** It is unlawful to retain more than 2 trout over 13 inches in length.

(151) **Goose Creek (Lincoln County), within the city limits of Wilbur:** Open year-round to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

(152) **Goose Lake, Lower (Grant County):**

(a) Bluegill: It is unlawful to retain more than five fish over six inches in length.

(b) Crappie: Limit ten; minimum length nine inches.

(153) **Grande Ronde River (Asotin County):**

(a) General river rules:

(i) For all portions of the Grande Ronde River and its tributaries that are open to game fish angling:

(A) Bass: No limit.

(B) Channel catfish: No limit.

(C) Walleye: No limit and no size restrictions.

(ii) From September 15 through March 15: It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) Rules by river section:

(i) From the mouth to County Road Bridge, about 2.5 miles upstream:

(A) Open year-round.

(B) September 1 through May 31: Selective gear rules apply.

(C) Trout:

~~(I)~~ (I) Minimum length ~~((+0))~~ 8 inches, maximum length 20 inches.

~~((H))~~ (II) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

~~((H))~~ (III) From January 1 through April 15: Anglers may retain up to 3 hatchery steelhead.

(IV) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(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.

~~((III) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.))~~

(B) From the first Saturday in June through August 31: Selective gear rules apply.

(C) From September 1 through April 15: It is unlawful to use anything other than barbless hooks.

(D) Open November 1 through April 15, except all tributaries are closed.

(E) Release all fish except anglers may retain up to 15 whitefish and 3 hatchery steelhead.

(F) From January 1 through April 15 mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(154) Granite Creek and tributaries (Pend Oreille County): Closed.

(155) Green Lake (Upper) (Okanogan County):

(a) Open year-round.

(b) March 1 through November 30:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Catch and release only.

(156) Green Lake (Lower) (Okanogan County):

(a) Open year-round.

(b) March 1 through November 30:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Catch and release only.

(157) Grimes Lake (Douglas County):

(a) Open June 1 through August 31:

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit one.

(158) Halfmoon Lake (Adams County): Open April 1 through September 30.

(159) Halfmoon Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.

(160) Hampton Lakes, Lower and Upper (Grant County):

(a) Open April 1 through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(161) Harris Lake (Grant County):

(a) Selective gear rules apply.

(b) Trout: Limit one.

(162) Harvey Creek (tributary to Sullivan Lake) (Pend Oreille County) and tributaries:

(a) From the mouth to Bridge 4830 on county road (about 1 1/2 miles): Closed.

(b) From Bridge 4830 upstream: Selective gear rules apply.

(163) Hatch Lake (Stevens County):

(a) Open the first Friday after Thanksgiving through March 31.

(b) Release all fish, except up to five rainbow trout may be retained.

(164) Hawk Creek and tributaries (Lincoln County) upstream of the Falls at Hawk Creek Campground: Open year-round.

(165) Hays Creek and Ponds (Adams County): Open April 1 through September 30.

(166) Headgate Pond (Asotin County): Open the fourth Saturday in April through October 31 to juvenile anglers, seniors, and anglers with a disability who possess a designated harvester companion card only.

(167) Hen Lake (Grant County): Open April 1 through September 30.

(168) Heritage Lake (Stevens County): Open the fourth Saturday in April through October 31.

(169) Hog Canyon Creek (Spokane County): Open year-round from the Hog Canyon Dam to Scroggie Road.

(170) Hog Canyon Lake (Spokane County):

(a) Open the first Friday after Thanksgiving through March 31.

(b) Trout: It is unlawful to retain more than two trout over fourteen inches in length.

(171) Homestead Lake (Grant County):

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Limit one.

(172) Horseshoe Lake (Pend Oreille County):

(a) Open the fourth Saturday in April through October 31.

(b) Kokanee: Limit ten; kokanee do not count toward the trout limit.

(173) Horsethief Lake (Klickitat County): Open the fourth Saturday in April through October 31.

(174) Hourglass Lake (Grant County): Open April 1 through September 30.

(175) Huff Lake (Pend Oreille County): Closed.

(176) Hutchinson Lake (Adams County):

(a) Open April 1 through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(177) I-82 Ponds, 1 through 7 (Yakima County): It is unlawful to fish from a floating device equipped with an internal combustion motor.

(178) Icicle River and all tributaries (Creek) (Chelan County):

(a) From the Leavenworth National Fish Hatchery rack upstream to Leland Creek, including Leland 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) 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.

(b) From Leland Creek upstream, not including Leland Creek: Open the Saturday before Memorial Day through October 31.

(179) Indian Creek and tributaries (Pend Oreille County):

(a) Open the Saturday before Memorial Day through October 31.

(b) Eastern brook trout: Limit 10. Once an angler has retained 2 trout other than eastern brook trout, the entire trout limit has been taken and the angler must cease fishing for trout.

(180) Indian Creek (Yakima County): Upstream of the waterfall approximately 6 miles upstream from the mouth:

(a) Open the Saturday before Memorial Day through October 31.

(b) Eastern brook trout:

(i) No limit and no length restrictions.

(ii) Eastern brook trout do not count toward the trout limit.

(181) Ingalls Creek and all tributaries upstream of the Alpine Lakes Wilderness boundary (Chelan County):

(a) Open the Saturday before Memorial Day through October 31.

(b) Ingalls Creek tributaries from the mouth of Ingalls Creek to the Alpine Lakes Wilderness boundary: Open the Saturday before Memorial Day through October 31.

(182) Jameson Lake (Douglas County): Open the fourth Saturday in April through July 4 and October 1 through October 31.

(183) Jasmine Creek (Okanogan County): Open year-round to juvenile anglers only.

(184) Jefferson Park Pond (Walla Walla County):

(a) Open to juvenile fishers only.

(b) It is unlawful to retain more than 2 trout over 13 inches in length.

(185) Jolanda, Lake (Chelan County): Closed.

(186) Jump-Off Joe Lake (Stevens County): Open the fourth Saturday in April through October 31.

(187) Kachess Lake (Reservoir) (Kittitas County):

(a) Chumming is permissible.

(b) Kokanee limit ten; kokanee do not count toward the trout limit.

(c) Trout limit 2; minimum length 12 inches.

(188) Kachess River (Kittitas County):

(a) From the mouth to Kachess Dam:

(i) It is permissible to fish up to the base of Kachess Dam.

(ii) Selective gear rules apply.

(iii) Trout minimum size ten inches.

(b) Kachess Lake tributaries, except Box Canyon Creek: Open.

(c) Upstream of impassable 50 to 60 foot fall about 1/2 mile upstream of Mineral Creek: Open.

(189) Kalispell Creek and tributaries (Pend Oreille County):

(a) Open the last Saturday in April through October 31.

(b) Selective gear rules apply.

(190) Keechelus Lake (Reservoir) (Kittitas County):

(a) Chumming is permissible.

(b) Trout limit 2; minimum length 12 inches.

(c) Kokanee limit 10; kokanee do not count toward the trout limit.

(191) Keechelus Lake tributaries, except Gold Creek: Open the Saturday before Memorial Day through October 31.

(192) Kettle River (Stevens County):

(a) The tributaries from the mouth to Barstow Bridge: Open from the Saturday before Memorial Day through October 31.

(b) From Barstow Bridge upstream:

(i) Open the Saturday before Memorial Day until October 31.

(ii) Selective gear rules apply, except for juvenile anglers, from the Canadian border upstream to Highway 21 Bridge at Curlew.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Trout: Minimum length 12 inches.

(v) Open November 1 through May 31 for whitefish only. Whitefish gear rules apply.

(c) Tributaries to Kettle River, from Barstow Bridge upstream: Open from the Saturday before Memorial Day through October 31.

(193) Kings Lake and tributaries (Pend Oreille County): Closed.

(194) Kiwanis Pond (Kittitas County): Open to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

(195) Klickitat River (Klickitat County):

(a) From the mouth (Burlington Northern Railroad Bridge) to Fisher Hill Bridge:

(i) Game fish open April 1 through January 31.

(A) Release all fish except hatchery steelhead from April 1 through May 31 and December 1 through January 31.

(B) June 1 through January 31: Anglers may retain up to 3 hatchery steelhead.

(C) Bass: No limit and no size restriction.

(D) Channel catfish: No limit.

(E) Walleye: No limit and no size restriction.

(ii) Barbless hooks are required for salmon and steelhead, except from September 1 through December 31.

(iii) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(iv) Anti-snagging rule in effect and night closure applies April 1 through May 31 and August 1 through January 31. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(v) Salmon and steelhead: Open April 1 through May 31 on Sundays, Mondays, Wednesdays and Saturdays only:

(A) Limit 2; no more than 2 hatchery steelhead, or 2 salmon, or one of each, may be retained.

(B) Release wild Chinook.

(vi) Salmon: Open June 1 through January 31.

(A) June 1 through July 31: Limit 6 fish; no more than 2 adults may be retained. Release wild Chinook.

(B) August 1 through January 31: Limit 6 fish, no more than 3 may be adult Chinook.

(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.

~~((B) Daily limit 3 trout of which only 2 may be other than hatchery steelhead.~~

~~(C) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.))~~

(iii) Whitefish open December 1 through March 31: Whitefish gear rules apply.

(iv) Salmon open June 1 through November 30:

(A) June 1 through July 31:

(I) Limit 6 fish; no more than 2 adults may be retained.

(II) Release wild Chinook.

(B) From August 1 through November 30: Limit 6 fish; no more than 3 adult Chinook may be retained.

(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.

~~((B) Daily limit 3 trout of which no more than 2 may be other than hatchery steelhead.~~

~~(C) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.))~~

(ii) Whitefish open December 1 through March 31: Whitefish gear rules apply.

(iii) Barbless hooks are required for salmon and steelhead.

(196) **Lake Creek (Okanogan County):**

(a) From the mouth to Black Lake: Closed.

(b) From Black Lake to Three Prong Creek: Closed.

(197) **Latah (Hangman) Creek (Spokane County):** From the mouth upstream to Idaho state line: Open year-round.

(198) **Latah (Hangman) Creek Tributaries (Spokane County) including all tributaries within this system:** Open the Saturday before Memorial Day through October 31 from the mouths upstream.

(199) **Le Clerc Creek and tributaries (Pend Oreille County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Eastern brook trout: Limit 10. Once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken.

(200) **Ledbetter Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(201) **Ledking Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(202) **Leech Lake (Yakima County):**

(a) Open for fly fishing only.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Trout: It is unlawful to retain more than one trout over 14 inches in length.

(203) **Lemna Lake (Grant County):** Open April 1 through September 30.

(204) **Lenice Lake (Grant County):**

(a) Open March 1 through November 30.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit one.

(205) **Lenore Lake (Grant County):**

(a) The waters within a 200 yard radius of the trash rack leading to the irrigation pumping station (on the south end of the lake) and the area approximately 100 yards beyond the mouth of inlet stream to State Highway 17: Closed.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device with an internal combustion motor.

(d) Open from March 1 through November 30:

(i) From March 1 through May 31: Catch and release only.

(ii) June 1 through November 30: Trout limit one.

(206) **Leo Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(207) **Liberty Lake (Spokane County):** Open March 1 through October 31.

(208) **Lilly Lake (Chelan County):**

(a) Open the fourth Saturday in April through October 31.

(b) July 5 through October 31:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Catch and release only.

(209) **Lions Park Pond (Walla Walla County):**

(a) Open to juvenile anglers only.

(b) It is unlawful to retain more than 2 trout over 13 inches in length.

(210) **Little Klickitat River (Klickitat County):**

(a) Within Goldendale city limits:

(i) Open the fourth Saturday in April through October 31.

(ii) Open the fourth Saturday in April through May 31 to juvenile and senior fishers only.

(iii) Trout: Limit five; no minimum length.

(b) All other waters including tributaries: Open first Saturday in June through October 31.

(211) **Little Lost Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

(212) **Little Pend Oreille River (Stevens County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) From the Little Pend Oreille wildlife refuge boundary approximately one mile downstream from the refuge headquarters office, to Crystal Falls:

(i) Selective gear rules apply.

(ii) Release all fish except anglers may retain up to 5 eastern brook trout.

(c) All tributaries to the Little Pend Oreille River are open the Saturday before Memorial Day through October 31.

(213) Little Spokane River (Spokane County):

(a) Open year-round from the mouth to the SR 291 Bridge.

(b) From the SR 291 Bridge upstream to the West Branch:

(i) Open the fourth Saturday in April through October 31.

(ii) Open December 1 through March 31 for whitefish only; whitefish gear rules apply; limit 15 whitefish; no minimum size.

(c) From the West Branch upstream:

(i) Closed from the inlet of Chain Lake upstream one-quarter mile to the railroad crossing culvert.

(ii) Open the Saturday before Memorial Day through October 31.

(iii) Kokanee: It is unlawful to retain kokanee taken upstream from the bridge at Fridegar Road, including Chain Lake.

(d) Unless otherwise provided in this section, all tributaries to the Little Spokane River are open the Saturday before Memorial Day through October 31.

(214) Little Twin Lake (Okanogan County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit one.

(215) Little Twin Lake (Stevens County): Open the fourth Saturday in April through October 31.

(216) Little Wenatchee River (Chelan County):

(a) From the falls below USFS Rd. 6700 Bridge upstream: Open the Saturday before Memorial Day through October 31.

(b) Little Wenatchee tributaries from the mouth upstream, except Rainy Creek: Open the Saturday before Memorial Day through October 31.

(217) Long Lake (Ferry County):

(a) Open the fourth Saturday in April through October 31

(b) Fly fishing only.

(c) It is unlawful to use flies containing lead.

(d) It is unlawful to fish from a floating device equipped with a motor.

(218) Long Lake (Okanogan County): Open the fourth Saturday in April through October 31.

(219) Long Lake (Spokane County): Landlocked salmon rules apply.

(220) Loon Lake (Stevens County):

(a) Open the fourth Saturday in April through October 31.

(b) Kokanee: Limit ten; kokanee do not count toward the trout limit.

(c) Trout (except kokanee): Limit five, except it is unlawful to retain more than two trout over twenty inches in length.

~~((220))~~ **(221) Lost Lake (Kittitas County):** It is unlawful to retain more than one trout over 14 inches in length.

~~((221))~~ **(222) Lost Lake (Okanogan County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

~~((222))~~ **(223) Lost River (Okanogan County):**

(a) From the mouth to the mouth of Monument Creek: Closed.

(b) Lost River and all tributaries from the mouth of Monument Creek to the outlet of Cougar Lake, including Monument Creek:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(iv) Trout: Minimum length 14 inches; it is permissible to retain Dolly Varden/Bull Trout with a minimum length of 14 inches as part of the trout limit.

~~((223))~~ **(224) Lucky Duck Pond (Stevens County):** Open to juvenile anglers only.

~~((224))~~ **(225) Mad River and all tributaries from mouth to Jimmy Creek, including Jimmy Creek (Chelan County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) Trout:

(i) Rainbow trout, catch and release only.

(ii) Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(d) Mad River and all tributaries from Jimmy Creek upstream, not including Jimmy Creek: Open the Saturday before Memorial Day through October 31.

~~((225))~~ **(226) Marshall Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((226))~~ **(227) Martha Lake (Grant County):** Open March 1 through July 31.

~~((227))~~ **(228) Mattoon Lake (Kittitas County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((228))~~ **(229) McCabe Pond (Kittitas County):**

(a) It is unlawful to fish from any floating device equipped with a motor.

(b) Five fish limit for all game fish species combined.

~~((229))~~ **(230) McDowell Lake (Stevens County):**

(a) Open the fourth Saturday in April through October 31 for fly fishing only.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Catch and release only.

~~((230))~~ **(231) McManaman Lake (Adams County):** Open April 1 through September 30.

~~((231))~~ **(232) Medical Lake (Spokane County):**

(a) Open March 1 through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Trout: Limit two; minimum length fourteen inches.

~~((232))~~ (233) **Medical Lake, West (Spokane County):** Open the fourth Saturday in April through September 30.

~~((233))~~ (234) **Mercer Creek (Kittitas County):**

(a) Open to juvenile anglers only within the Ellensburg city limits.

(b) Trout ten inch minimum length.

(c) Selective gear rules apply.

~~((234))~~ (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.

~~((235))~~ (236) **Merry Lake (Grant County):**

(a) Open March 1 through November 30.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit one.

~~((236))~~ (237) **Methow River (Okanogan County):**

(a) From County Road 1535 (Burma Road) Bridge to Gold Creek:

(i) Open the Saturday before Memorial Day through September 15.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(b) From Gold Creek to Foghorn Dam:

(i) Open the Saturday before Memorial Day through September 30.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(c) Methow River tributaries from Gold Creek to Foghorn Dam; except Twisp River and Chewuch River:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Trout:

(A) Catch and release (~~(#H)~~) rainbow trout.

(B) Eastern brook trout: Limit 16. Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(d) From Foghorn Dam to Weeman Bridge:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Trout:

(A) Catch and release only for rainbow trout.

(B) Eastern brook trout: Limit 16. Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(e) Methow River tributaries from Weeman Bridge to the falls above Brush Creek; excluding Lost River, Goat Creek, and Early Winters Creek.

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(f) Methow River and tributaries above the falls above Brush Creek: Open the Saturday before Memorial Day through October 31.

(g) From Gold Creek to the falls above Brush Creek:

(i) Open December 1 through March 31 for whitefish only.

(ii) Whitefish gear rules apply.

(h) Methow River tributaries not otherwise provided for in this section:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((237))~~ (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.

~~((238))~~ (239) **Mill Creek (Walla Walla County):**

(a) From the mouth to Bennington Dam, including tributaries: Closed waters.

(b) From Bennington Dam upstream: All tributaries: Closed waters.

(c) Selective gear rules apply.

(d) Release (~~(#H)~~) steelhead.

~~((239))~~ (240) **Mill Pond (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((240))~~ (241) **Mineral Creek (tributary to upper Kachess River) (Kittitas County):** Statewide rules apply upstream of the Wilderness Boundary.

~~((241))~~ (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.

~~((242))~~ (243) **Monument Creek (Okanogan County), including tributaries:** Selective gear rules apply.

~~((243))~~ (244) **Morgan Lake (Adams County):** Open April 1 through September 30.

~~((244))~~ (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.

~~((245))~~ (246) **Mud Lake (Yakima County):**

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Limit one.

~~((246))~~ (247) **Mudgett Lake (Stevens County):** Open the fourth Saturday in April through October 31.~~((247))~~ (248) **Muskegon Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit two.

~~((248))~~ (249) **Myron Lake (Yakima County):**

(a) Selective gear rules apply.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Limit one.

~~((249))~~ (250) **Myrtle Lake (Chelan County):** Eastern brook trout no minimum size and no limit.~~((250))~~ (251) **Mystic Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.~~((251))~~ (252) **Naches River (Yakima/Kittitas counties):**

(a) From the mouth to Little Naches River:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Trout:

(A) Minimum length twelve inches, maximum length twenty inches.

(B) Release trout from the confluence with Tieton River to the confluence of the Little Naches River and Bumping River (origin of Naches River).

(b) From the mouth to the Tieton River:

(i) December 1 through January 31.

(ii) Only whitefish may be retained;

(iii) Whitefish gear rules apply.

~~((252))~~ (253) **Naches River tributaries except Bumping River, Tieton River and Rattlesnake Creek:**

(a) Selective gear rules apply.

(b) Trout: Minimum size ten inches.

~~((253))~~ (254) **Naneum Creek and tributaries (Kittitas County):**

(a) Selective gear rules apply.

(b) Trout: Minimum size ten inches.

~~((254))~~ (255) **Naneum Pond (Kittitas County):** Open to juvenile anglers only.~~((255))~~ (256) **Napeequa River and all tributaries from Twin Lakes Creek upstream (Chelan County):** Open.~~((256))~~ (257) **Nason Creek (Chelan County):**

(a) From Smith Brook to Stevens Creek:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) Eastern brook trout: Limit 16. Eastern brook trout do not count toward the trout limit. However, once the limit of

trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(b) Nason Creek and all tributaries from Stevens Creek upstream, including Stevens Creek:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Eastern brook trout: Limit 16. Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(c) Nason Creek tributaries from mouth of Nason Creek to Smith Brook, including Smith Brook, except the Mill Creek drainage:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Eastern brook trout: Limit 16. Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

~~((257))~~ (258) **Negro Creek (Whitman County):** Open the fourth Saturday in April through July 15.~~((258))~~ (259) **Nile Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.~~((259))~~ (260) **No Name Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.~~((260))~~ (261) **North Elton Pond (Yakima County):**

(a) Open the first Friday after Thanksgiving through March 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Trout: Limit two.

~~((261))~~ (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.

~~((262))~~ (263) **North Potholes Reserve Ponds (Grant County):**

(a) Open February 1 through the day before waterfowl season begins.

(b) It is unlawful to fish from any floating device, except it is permissible to fish using float tubes.

~~((263))~~ (264) **Nunnally Lake (Grant County):**

(a) The outlet stream of Nunnally Lake is closed.

(b) Open March 1 through November 30:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Trout: Limit one.

~~((264))~~ (265) **Okanogan River (Okanogan County):**

(a) Within the mainstem or tributaries open for game fish angling:

(i) It is unlawful to fish for salmon and steelhead using anything other than barbless hooks.

(ii) Bass: No limit and no size restrictions.

(iii) Channel catfish: No limit.

(iv) Walleye: No limit and no size restrictions.

(b) From the mouth to Highway 97 Bridge immediately upstream of the mouth:

(i) Open year-round.

(ii) July 1 through October 15: Anti-snagging rule applies and night closure in effect.

(iii) Trout: Catch and release only.

(iv) Salmon:

(A) Open July 1 through October 15.

(B) It is permissible to fish two poles from July 1 through October 15 so long as the angler possesses a two-pole endorsement.

(C) Limit 8; no more than 2 adult hatchery Chinook and no more than 4 sockeye 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 only.

(iv) Salmon:

(A) Open July 1 through September 15.

(B) Limit 8; no more than 2 adult hatchery Chinook and no more than 4 sockeye may be retained.

(C) Release coho and wild adult Chinook.

(D) It is permissible to fish two poles from July 1 through October 15 so long as the angler possesses a two-pole endorsement.

(d) From the highway bridge at Malott upstream:

(i) From Zosel Dam downstream to the first Highway 97 Bridge downstream of the dam: Closed.

(ii) Open the Saturday before Memorial Day through September 15.

(iii) July 1 through September 15: Anti-snagging rule applies and night closure in effect.

(iv) Trout: Catch and release only.

(v) Salmon:

(A) Open July 1 through September 15.

(B) Limit 8; no more than 2 adult hatchery Chinook and no more than 4 sockeye 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.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Trout: Catch and release (~~all~~) trout.

~~((265))~~ **(266) Outlet Creek (Klickitat County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Trout: Limit 5.

~~((266))~~ **(267) Palouse River (Whitman County):**

(a) Open year-round from the mouth to the base of Palouse Falls.

(b) Bass: No limit.

(c) Channel catfish: No limit.

(d) Trout: Open June 16 through March 31 only.

(i) From June 16 through August 31:

(A) Limit 6; minimum length 10 inches.

(B) No minimum size for trout with clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(C) Anglers may retain up to 3 hatchery steelhead. Mandatory steelhead retention. No catch and release of hatchery steelhead.

(D) It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement.

(ii) From September 1 through March 31:

(A) Limit 6; minimum length 10 inches.

(B) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(C) Anglers may retain up to 3 hatchery steelhead. Mandatory steelhead retention. No catch and release of hatchery steelhead.

(D) It is unlawful to fish for steelhead using anything other than barbless hooks.

(e) Walleye: No limit.

~~((267))~~ **(268) Palouse River (Whitman County) mainstem above Palouse Falls and tributaries (Washington waters only), except Rock Creek: Open year-round.**

~~((268))~~ **(269) Pampa Pond (Whitman County):**

(a) Open March 1 through September 30.

(b) It is unlawful to fish from any floating device.

(c) Trout: It is unlawful to retain more than two over 13 inches in length.

~~((269))~~ **(270) Para-Juvenile Lake (Adams/Grant counties): Open April 1 through September 30 to juvenile anglers only.**

~~((270))~~ **(271) Park Lake (Grant County): Open the fourth Saturday in April through September 30.**

~~((271))~~ **(272) Parker Lake (Pend Oreille County): Open the fourth Saturday in April through October 31.**

~~((272))~~ **(273) Pataha Creek (Garfield County):**

(a) Bass: No limit.

(b) Channel catfish: No limit.

(c) Walleye: No limit.

(d) Within the city limits of Pomeroy: Open to juvenile anglers only.

(e) From the city limits of Pomeroy upstream:

(i) Selective gear rules apply.

(ii) Trout:

(A) Eastern brook trout: Limit 10.

(B) Once an angler has retained 2 trout other than Eastern brook trout, the entire trout limit has been taken.

~~((273))~~ **(274) Pearrygin Lake (Okanogan County): Open the fourth Saturday in April through October 31.**

~~((274))~~ **(275) Pend Oreille River (Pend Oreille County):**

(a) In the mainstem:

(i) Open year-round.

(ii) All sloughs within the boundaries of the Kalispel Reservation, except Calispell Slough: Closed.

(iii) Two pole fishing is permissible so long as the angler possesses a two-pole endorsement.

(b) Pend Oreille River tributaries are open the Saturday before Memorial Day through October 31, unless otherwise provided for in this section.

~~((275))~~ (276) **Perch Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((276))~~ (277) **Peshastin Creek and all tributaries from Ruby Creek upstream, not including Ruby Creek (Chelan County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) Trout:

(i) Rainbow trout, catch and release only.

(ii) Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(d) Peshastin Creek tributaries from the mouth of Peshastin Creek to Ruby Creek (including Ruby Creek), except Ingalls Creek: Open the Saturday before Memorial Day through October 31.

~~((277))~~ (278) **Petit Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((278))~~ (279) **Phalon Lake (Stevens County):** Closed.

~~((279))~~ (280) **Phelps Creek and all tributaries from the mouth to the barrier falls (mile 1) (Chelan County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) From the barrier falls (mile 1) upstream, including all tributaries: Open the Saturday before Memorial Day through October 31.

~~((280))~~ (281) **Phillips Lake (Stevens County):** Open the fourth Saturday in April through October 31.

~~((281))~~ (282) **Pierre Lake (Stevens County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

~~((282))~~ (283) **Pillar Lake (Grant County):** Open April 1 through September 30.

~~((283))~~ (284) **Ping Pond (Grant County):**

(a) Open the third Saturday in April through Labor Day to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

(b) Limit 5 game fish; no minimum size restrictions.

~~((284))~~ (285) **Pit Lake (Douglas County):** Open to juvenile anglers only.

~~((285))~~ (286) **Poacher Lake (Grant County):** Open April 1 through September 30.

~~((286))~~ (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.

~~((287))~~ (288) **Potter's Pond (Stevens County):** Open the fourth Saturday in April through October 31.

~~((288))~~ (289) **Powerline Lake (Franklin County):** Trout limit 2.

~~((289))~~ (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.

~~((290))~~ (291) **Priest River tributaries (Pend Oreille County):** Open the Saturday before Memorial Day through October 31.

~~((291))~~ (292) **Quail Lake (Adams County):**

(a) Open for fly fishing only.

(b) It is unlawful to fish from any floating device equipped with a motor.

(c) Catch and release only.

~~((292))~~ (293) **Quarry Pond (Walla Walla County):**

(a) It is unlawful to fish from any floating device.

(b) It is unlawful to retain more than 2 trout over 13 inches in length.

~~((293))~~ (294) **Quincy Lake (Grant County):** Open March 1 through July 31.

~~((294))~~ (295) **Rainbow Lake (Columbia County):**

(a) Open March 1 through October 31.

(b) It is unlawful to fish from any floating device.

(c) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

~~((295))~~ (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.

~~((296))~~ (297) **Rat Lake (Okanogan County):**

(a) Open year-round.

(b) From April 1 to November 30:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Catch and release only.

~~((297))~~ (298) **Rattlesnake Creek (Yakima County):**

(a) Selective gear rules apply.

(b) Catch and release only for all species in the mainstem.

~~((298))~~ (299) **Rattlesnake Creek tributaries:**

(a) Selective gear rules apply.

(b) Trout minimum size 10 inches.

~~((299))~~ (300) **Red Rock Creek (Grant County):**

Open April 1 through September 30.

~~((300))~~ (301) **Reflection Pond (Okanogan County):**

Open the fourth Saturday in April through October 31.

~~((301))~~ (302) **Renner Lake (Ferry County):** Open the

fourth Saturday in April through October 31.

~~((302))~~ (303) **Rigley Lake (Stevens County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Limit two, minimum length twelve inches.

~~((303))~~ (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.

~~((304))~~ **(305) Roaring Creek (Entiat River Tributary) and all tributaries (Chelan County):** From the mouth of Roaring Creek upstream:

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) Trout:

(i) Rainbow trout are catch and release only.

(ii) The eastern brook trout limit of 5 fish does not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

~~((305))~~ **(306) Rock Creek (Adams/Whitman counties):**

(a) From the mouth to Endicott West Road: Open year-round.

(b) From Endicott West Road to the bridge on Jordan Knott Road at Revere:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules apply.

(iii) Catch and release only.

(c) From the bridge on Jordan Knott Road upstream: Open year-round.

~~((306))~~ **(307) Rock Creek (Chelan County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

~~((307))~~ **(308) Rock Creek (Klickitat County):**

(a) From Army Corps of Engineers Park upstream to the source: Closed waters.

(b) Open year-round from the mouth to the Army Corps of Engineers Park. Limits, size restrictions and gear restrictions are the same as those in the adjacent portion of the Columbia River.

~~((308))~~ **(309) Rock Island Pool (Col.R.) tributaries (Chelan/Douglas County):** Open the Saturday before Memorial Day through October 31 from Rock Island Dam to Rocky Reach Dam, except the Wenatchee River.

~~((309))~~ **(310) Rocky Ford Creek and Ponds (Grant County):**

(a) Open to fly fishing and fishing from the bank only (no wading).

(b) Catch and release only.

~~((310))~~ **(311) Rocky Lake (Stevens County):**

(a) Open the fourth Saturday in April through October 31.

(b) From June 1 through October 31:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Catch and release only.

~~((311))~~ **(312) Roosevelt Lake (Grant/Ferry/Lincoln/Stevens counties):**

(a) The following areas are closed:

(i) From the Little Dalles power line crossing upstream approximately one mile to the marked rock point, and from Northport power line crossing upstream to the most upstream

point of Steamboat Rock, from March 1 through the Friday before Memorial Day.

(ii) The Kettle arm upstream to Barstow Bridge from April 1 through the Friday before Memorial Day.

(b) Carp: It is unlawful to fish for carp with bow and arrow.

(c) Kokanee: Limit 6; no more than 2 with intact adipose fins may be retained.

(d) Salmon: Landlocked salmon rules apply.

(e) Trout (except kokanee): Limit 5; it is unlawful to retain more than 2 over 20 inches in length.

(f) Walleye: No size restrictions; limit 16 fish.

~~((312))~~ **(313) Round Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

~~((313))~~ **(314) Rowland Lake, North (Klickitat County):** Open the fourth Saturday in April through the last day in February, except closed the Monday before Thanksgiving Day through Thanksgiving Day.

~~((314))~~ **(315) Royal Lake (Adams County):** Closed.

~~((315))~~ **(316) Royal Slough (including Marsh Unit IV impoundments) (Adams County):** Closed.

~~((316))~~ **(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.

~~((317))~~ **(318) Rufus Woods Lake (Douglas/Okanogan counties):**

(a) From Grand Coulee Dam downstream to State Route 155 Bridge: Closed.

(b) Trout: Limit 2; only uninjured trout caught using artificial lures or flies with single-point barbless hooks may be released.

(c) Tributaries to Rufus Woods Lake: Open the Saturday before Memorial Day through October 31.

~~((318))~~ **(319) Sacheen Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((319))~~ **(320) Saddle Mountain Lake (Grant County):** Closed.

~~((320))~~ **(321) Sago Lake (Grant County):** Open April 1 through September 30.

~~((321))~~ **(322) Salmon Creek, mainstem (Okanogan County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Trout: Catch and release only.

~~((322))~~ **(323) Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((323))~~ (324) **San Poil River (Ferry County):**

(a) From the western shoreline at the mouth of the San Poil Arm (as marked by a regulatory buoy) directly eastward across the San Poil Arm to the eastern shoreline of the San Poil Arm (as marked by a regulatory buoy) upstream to the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek:

(i) Open April 1 through January 31 for kokanee, smallmouth bass, trout, and walleye:

(A) Kokanee: Limit 2 fish in addition to the trout limit; no minimum size requirement.

(B) Smallmouth bass: Limit 10; it is unlawful to retain more than one over 14 inches.

(C) Trout:

(I) Limit 5; it is unlawful to retain more than 2 trout over 20 inches.

(II) Release (~~(aH)~~) rainbow trout with adipose fins intact.

(D) Walleye: Limit 16; no size restrictions.

(ii) Open year-round for other game fish, salmon, and carp:

(A) Carp: It is unlawful to fish for carp with bow and arrow.

(B) Salmon: Landlocked salmon rules apply.

(b) From the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek to approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys:

(i) It is unlawful to fish for or retain trout.

(ii) Open April 1 through January 31 for walleye and smallmouth bass:

(A) Smallmouth bass: Limit 10; it is unlawful to retain more than one over 14 inches.

(B) Walleye: Limit 16; no size restrictions.

(iii) Open year-round for other game fish, salmon, and carp:

(A) Carp: It is unlawful to fish for carp with bow and arrow.

(B) Salmon: Landlocked salmon rules apply.

(c) The waters from approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys, to all waters north of the regulatory buoy line at or above 1,310 feet mean sea level elevation are managed under the regulatory authority of the Colville Confederated Tribe of Indians.

(d) From above the Colville Confederated Tribe of Indians Reservation northern boundary, upstream to the headwaters, including tributaries: Open the Saturday before Memorial day through October 31.

~~((324))~~ (325) **Sand Hollow Creek (Grant County) including all tributaries:** Open April 1 through September 30 from State Route 243 upstream.

~~((325))~~ (326) **Sarg Hubbard Park Pond (Reflection Pond) (Yakima County):** Open to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

~~((326))~~ (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.

~~((327))~~ (328) **Scootney Reservoir (Franklin County):** Walleye limit 8; minimum size 12 inches. It is unlawful to retain more than one walleye over 22 inches in length.

~~((328))~~ (329) **Sedge Lake (Grant County):**

(a) Selective gear rules apply.

(b) Trout: Limit one.

~~((329))~~ (330) **Sherman Creek (Ferry County) and all tributaries:**

(a) From the hatchery boat dock to 400 feet upstream of hatchery water diversion dam: Closed.

(b) Open the Saturday before Memorial Day through October 31.

~~((330))~~ (331) **Sherry Lake (Stevens County):** Open the fourth Saturday in April through October 31.

~~((331))~~ (332) **Shiner Lake (Adams County):**

(a) Open April 1 through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((332))~~ (333) **Shoveler Lake (Grant County):** Open April 1 through September 30.

~~((333))~~ (334) **Sidley Lake (Okanogan County):** Trout limit two.

~~((334))~~ (335) **Silver Lake (Spokane County):** Crappie limit ten; minimum length nine inches.

~~((335))~~ (336) **Silver Nail Lake (Okanogan County):** Open to juvenile anglers only.

~~((336))~~ (337) **Similkameen River (Okanogan County):**

(a) Barbless hooks required for salmon and steelhead.

(b) From the mouth to Enloe Dam:

(i) Closed from Enloe Dam downstream 400 feet.

(ii) July 1 through September 15:

(A) Anti-snagging rule applies.

(B) Night closure in effect.

(iii) Salmon:

(A) Open July 1 through September 15.

(B) Limit 8; no more than 2 adult hatchery Chinook and no more than 6 sockeye may be retained.

(C) Release coho and wild adult Chinook.

(iv) Open December 1 through March 31 for whitefish only; whitefish gear rules apply.

(c) From Enloe Dam to the Canadian border, including tributaries, except Sinlahekin Creek:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Open December 1 through March 31 for whitefish only; whitefish gear rules apply.

~~((337))~~ (338) **Sinlahekin Creek (Okanogan County):**

(a) From Palmer Lake to Cecile Creek Bridge:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Open December 1 through March 31 for whitefish only; whitefish gear rules apply.

(b) From Cecile Creek Bridge upstream, including all tributaries: Open the Saturday before Memorial Day through October 31.

~~((338))~~ **(339) Skookum Lake, North (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((339))~~ **(340) Skookum Lake, South (Pend Oreille County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

~~((340))~~ **(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.

~~((341))~~ **(342) Snake River:**

(a) Open year-round, except the following areas are closed:

(i) Within 400 feet of the base of any dam;

(ii) Within a 400 foot radius around the fish ladder entrance at Lyons Ferry Hatchery;

(iii) Within a 200 foot radius upstream of the fish ladder exit above Lower Granite Dam; and

(iv) Within an area 1,200 feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and 100 feet out into the river from the south river bank.

(b) Bass: No limit and no size restrictions.

(c) Channel catfish: No limit.

(d) 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) It is unlawful to retain more than 3 hatchery steelhead.

(v) Barbless hooks required for steelhead.

(e) Walleye: No limit and no size restrictions.

~~((342))~~ **(343) Snipe Lake (Grant County):** Open April 1 through September 30.

~~((343))~~ **(344) Snipes Creek (Benton County):**

(a) Selective gear rules apply.

(b) Trout minimum length ten inches.

~~((344))~~ **(345) South Salmo River (Pend Oreille County), including tributaries:** Open the Saturday before Memorial Day through October 31.

~~((345))~~ **(346) Spearfish Lake (Klickitat County):** Open the fourth Saturday in April through last day in February.

~~((346))~~ **(347) Spectacle Lake (Okanogan County):** Open April 1 through September 30.

~~((347))~~ **(348) Spokane River (Spokane County):**

(a) From SR 25 Bridge upstream to 400 feet below Little Falls Dam:

(i) It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(ii) Open year-round:

(A) Kokanee:

(I) Limit 6; no minimum size.

(II) It is unlawful to retain more than 2 with intact adipose fins.

(III) Kokanee does not count towards the trout limit.

(B) Salmon: Landlocked salmon rules apply.

(C) Trout:

(I) Limit 5; no minimum size.

(II) It is unlawful to retain more than 2 trout over 20 inches in length.

(D) Walleye: Limit 16; no size restrictions.

(b) From the Little Falls Dam to the upstream boundary of the Plese Flats Day Use Area (Riverside State Park), except Long Lake (Nine Mile Dam to Long Lake Dam): Open year-round.

(i) Landlocked salmon rules apply.

(ii) Trout: Limit 5; no more than 2 trout over 20 inches in length may be retained.

(c) From the upstream boundary at Plese Flats Day Use Area (Riverside State Park) upstream to the Monroe Street Dam:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Open June 1 through March 15:

(A) Salmon: Landlocked salmon rules apply.

(B) Trout:

(I) Limit one; minimum length 8 inches.

(II) Release wild trout (only rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin may be retained).

(d) From Monroe Street Dam upstream to Upriver Dam:

(i) Open year-round.

(ii) Landlocked salmon rules apply.

(e) From Upriver Dam upstream to the Idaho/Washington state line:

(i) Selective gear rules apply.

(ii) Open the first Saturday in June through March 15.

(iii) Catch and release only.

(f) Unless otherwise provided in this section, all tributaries to the Spokane River (Washington waters only) are open the Saturday before Memorial Day through October 31.

~~((348))~~ **(349) Sprague Lake (Adams/Lincoln counties):**

(a) The following waters are closed:

(i) Cow Creek;

(ii) The marsh at the southwest end of the lake from the lakeside edge of the reeds to Danekas Road;

(iii) The small bay at the southeast end of the lake; and

(iv) Those waters within 50 feet of Harper Island.

(b) All other waters southwest of the southwest tip of Harper Island: Closed from October 1 through April 30.

(c) Crappie: Minimum length nine inches.

(d) Crappie and bluegill: Combined limit of twenty-five fish.

(e) Trout: Limit 5; it is unlawful to retain more than two trout over twenty inches in length.

~~((349))~~ **(350) Spring Creek (Benton County):**

(a) Selective gear rules apply.

(b) Trout minimum length ten inches.

~~((350))~~ **(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.

~~((351))~~ **(352) Spring Hill Reservoir (Black Lake, Lower Wheeler Reservoir) (Chelan County):**

(a) Open the fourth Saturday in April through October 31.

(b) July 5 through October 31: Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Catch and release only.

~~((352))~~ **(353) Spring Lake (Columbia County):**

(a) It is unlawful to fish from any floating device.

(b) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

~~((353))~~ **(354) Spring Lakes (Grant County):** Open March 1 through July 31.

~~((354))~~ **(355) Stan Coffin Lake (Grant County):** Bass: Catch and release only.

~~((355))~~ **(356) Starvation Lake (Stevens County):**

(a) Open the fourth Saturday in April through October 31.

(b) From June 1 through October 31:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Catch and release only.

~~((356))~~ **(357) Stehekin River (Chelan County):**

(a) From the mouth to Agnes Creek:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Open July 1 through October 31: Trout minimum length fifteen inches; release cutthroat.

(iv) Open March 1 through June 30: Catch and release only.

(b) From Agnes Creek upstream: Open the Saturday before Memorial Day through October 31.

~~((357))~~ **(358) Stratford/Brook Lake (Grant County):** Open February 1 through September 30.

~~((358))~~ **(359) Sullivan Creek (Pend Oreille County):**

(a) From the mouth to Mill Pond: Open the Saturday before Memorial Day through October 31.

(i) Barbless hooks are required.

(ii) Eastern brook trout: Limit 10; once an angler retains 2 trout other than eastern brook trout, the entire trout limit has been taken.

(iii) Release ((aH)) cutthroat.

(b) From Mill Pond upstream and tributaries:

(i) Selective gear rules apply.

(ii) Release ((aH)) 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.

~~((359))~~ **(360) Sullivan Lake (Pend Oreille County):**

(a) Kokanee: Limit ten; kokanee do not count toward the trout limit.

(b) Trout (except kokanee): Limit two trout.

~~((360))~~ **(361) Sullivan Lake tributaries (Pend Oreille County), except as otherwise provided in this section:** Open the Saturday before Memorial Day through October 31.

~~((361))~~ **(362) Summit Lake (Stevens County):** Open the fourth Saturday in April through October 31.

~~((362))~~ **(363) Swan Lake (Ferry County):**

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

~~((363))~~ **(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.

~~((364))~~ **(365) Teal Lakes (North and South) (Grant/Adams counties):** Open April 1 through September 30.

~~((365))~~ **(366) Teanaway River (Kittitas County), and tributaries except North Fork:**

(a) Selective gear rules apply.

(b) Trout minimum length ten inches.

~~((366))~~ **(367) Teanaway River, North Fork (Kittitas County):** From the mouth to Beverly Creek:

(a) Selective gear rules apply.

(b) Trout: Catch and release only.

~~((367))~~ **(368) Tern Lake (Grant County):**

(a) Selective gear rules apply.

(b) Trout: Limit one.

~~((368))~~ **(369) Thomas Lake (Stevens County):** Open the fourth Saturday in April through October 31.

~~((369))~~ **(370) Tieton River (Yakima County):**

(a) From the mouth to Tieton Dam, including all tributaries:

(i) It is permissible to fish up to the base of Tieton (Rimrock) Dam.

(ii) Selective gear rules apply.

(iii) Trout minimum length ten inches.

(b) Tributaries upstream of Tieton Dam except North Fork Tieton River, South Fork Tieton River and Indian Creek: Open the Saturday before Memorial Day through October 31.

~~((370))~~ **(371) Tieton River, North Fork (Yakima County):**

(a) Mainstem including that portion of the river that flows through the dry lakebed of Rimrock Reservoir, upstream to the USFS Road 740 Bridge below Clear Lake Dam:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules apply.

(b) Mainstem upstream of Clear Lake:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules apply.

(c) All North Fork Tieton tributaries, including Clear Creek: Open the Saturday before Memorial Day through October 31.

~~((371))~~ **(372) Tieton River, South Fork (Yakima County):** From the bridge on USFS Road 1070 upstream and all tributaries, except Bear Creek and Spruce Creek: Open the Saturday before Memorial Day through October 31.

~~((372))~~ **(373) Touchet River (Columbia/Walla Walla counties):**

(a) General river rules: For all portions of the Touchet River and its tributaries that are open to game fish angling:

- (i) Bass: No limit.
- (ii) Channel catfish: No limit.
- (iii) Walleye: No limit and no size restrictions.
- (iv) Release ~~((aH))~~ wild steelhead.

(b) Rules by river section:

(i) From the mouth to the confluence of Coppei Creek:

(A) Open the first Saturday in June through October 31:

(I) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(II) Steelhead: Open September 1 through October 31; limit 3. It is unlawful to use anything other than barbless hooks when fishing for steelhead.

(B) Open November 1 through April 15:

(I) Release all fish except hatchery steelhead and brown trout.

(II) Limit 3 hatchery steelhead and brown trout combined.

(III) It is unlawful to use anything other than barbless hooks.

(ii) From the mouth of Coppei Creek to the confluence of North and South Forks and all tributaries:

(A) Open the first Saturday in June through October 31.

(B) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(C) Steelhead:

(I) Open September 1 through October 31; mandatory hatchery steelhead retention, limit 3. No catch and release of hatchery steelhead. Release ~~((aH))~~ wild steelhead. It is unlawful to use anything other than barbless hooks when fishing for steelhead.

(II) Open November 1 through April 15. Release all fish except hatchery steelhead and brown trout. Limit 3 hatchery steelhead and brown trout combined. It is unlawful to use anything other than barbless hooks when fishing for steelhead.

(iii) From the confluence of the North and South Forks upstream:

(A) Selective gear rules apply.

(B) Release ~~((aH))~~ steelhead.

(iv) From mouth of North Fork, upstream to Spangler Creek:

(A) Open the first Saturday in June through October 31.

(B) Trout: No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(v) North Fork upstream of Spangler Creek:

(A) Open the first Saturday in June through August 31.

(B) Trout: No minimum size for trout with a clipped adipose fin.

(vi) Wolf Fork from the mouth to Coates Creek:

(A) Open the first Saturday in June through October 31.

(B) No minimum size for trout with a clipped adipose fin.

(vii) Wolf Fork above Coates Creek:

(A) Open the first Saturday in June through August 31.

(B) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(viii) Robinson Fork:

(A) Open the first Saturday in June through August 31.

(B) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(ix) South Fork, from the mouth to Griffin Fork:

(A) Open the first Saturday in June through October 31.

(B) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(x) South Fork, upstream from Griffin Creek: Open the first Saturday in June through August 31.

~~((373))~~ **(374) Trapper Lake (Chelan County):** Trout: Limit two.

~~((374))~~ **(375) Trout Lake (Ferry County):** Open the fourth Saturday in April through October 31.

~~((375))~~ **(376) Trout Lake (tributary to Big White Salmon River) (Klickitat County) including all tributaries:** Open the first Saturday in June through October 31.

~~((376))~~ **(377) Tucannon River (Columbia County):**

(a) Unless otherwise provided in this section, all tributaries are closed, except Pataha Creek.

(b) Mouth upstream to Turner Road Bridge at Marengo:

(i) First Saturday in June through October 31.

(A) Bass: No limit and no size restrictions.

(B) Channel catfish: No limit.

(C) Trout:

(I) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(II) Steelhead: Limit ~~((3))~~ 2 hatchery fish.

(III) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(D) Walleye: No limit and no size restrictions.

(ii) November 1 through last day in February.

(A) Release all fish, except anglers may retain up to 2 hatchery steelhead and 15 whitefish.

(B) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(C) Barbless hooks required.

(c) Turner Road Bridge at Marengo to Tucannon Hatchery Bridge:

(i) First Saturday in June through ~~((October))~~ 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 ~~((3))~~ 2 hatchery fish.

(C) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(v) Channel catfish: No limit.

(vi) Walleye: No limit and no size restrictions.

(d) Tucannon Hatchery Bridge to 500 feet above intake for Rainbow Lake: Closed to fishing.

(e) 500 feet above intake for Rainbow Lake to Cow Camp Bridge:

(i) First Saturday in June through ~~((October))~~ 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 ~~((at))~~ steelhead.

(vi) Walleye: No limit and no size restrictions.

(f) Cow Camp Bridge upstream: Closed to fishing.

~~((377))~~ **(378) Tucquala Lake (Kittitas County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Eastern brook trout: No limit; eastern brook trout do not count towards the trout limit.

~~((378))~~ **(379) Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River:** Closed.

~~((379))~~ **(380) Twisp River (Okanogan County):** Mouth to War Creek:

(a) Open the Saturday before Memorial Day through August 15.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Catch and release only.

(e) Twisp River Tributaries from the mouth to War Creek; including Buttermilk Creek and Little Bridge Creek:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(f) Twisp River tributaries from War Creek to the North Fork Twisp River, including War Creek, South Fork Twisp River, North Creek to Twisp River Road Bridge, and North Fork Twisp River to the falls:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules apply.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Catch and release only.

(g) North Fork Twisp River above the falls and North Creek above Twisp River Road Bridge are open from the Saturday before Memorial Day to October 31.

~~((380))~~ **(381) Union Creek (Yakima County):** Open upstream of the falls (approximately 1/4 mile from the mouth).

~~((381))~~ **(382) Upper Wheeler Reservoir (Chelan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Catch and release only.

~~((382))~~ **(383) Vanes Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((383))~~ **(384) Vic Meyers (Rainbow) Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((384))~~ **(385) Waitts Lake (Stevens County):** Open the fourth Saturday in April through last day in February.

~~((385))~~ **(386) Walla Walla River (Walla Walla County):**

(a) General rules in the mainstem:

(i) Bass: No limit and no size restrictions.

(ii) Channel catfish: No limit.

(iii) Walleye: No limit and no size restrictions.

(b) Rules by river section:

(i) From the mouth to McDonald Road Bridge:

(A) Open year-round, except all tributaries other than the Touchet River are closed.

(B) Trout:

(I) Open first Saturday in June through March 31.

(II) No minimum size for trout with a clipped adipose fin and healed scar at the location of the adipose fin.

(III) It is unlawful to fish for steelhead using anything other than barbless hooks.

(IV) Mandatory hatchery steelhead retention, limit 3. No catch and release of hatchery steelhead.

(ii) From the McDonald Road Bridge upstream to the Oregon state line:

(A) Open from the first Saturday in June through October 31.

(B) Selective gear rules apply.

(C) No minimum size for trout with a clipped adipose fin as evidenced by a healed scar at the location of the adipose fin.

(D) Limit 3 hatchery steelhead.

(E) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(F) From November 1 through March 31:

(I) Selective gear rules apply.

(II) Release all fish, except anglers may retain up to 3 hatchery steelhead.

(III) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

~~((386))~~ **(387) Wanapum Pool (Columbia River) tributaries (Chelan/Douglas County):** Open the Saturday before Memorial Day through October 31 from Wanapum Dam to Rock Island Dam.

~~((387))~~ **(388) Wannacut Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

~~((388))~~ **(389) Wapato Lake (Chelan County):**

(a) Trout: Open the fourth Saturday in April through October 31.

(b) All other game fish: Open the fourth Saturday in April through October 31.

~~((389))~~ **(390) Ward Lake (Ferry County):** Open the fourth Saturday in April through October 31.

~~((390))~~ **(391) Warden Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((391))~~ **(392) Warden Lake, South (Grant County):** Open the fourth Saturday in April through September 30.

~~((392))~~ **(393) Washburn Island Pond (Okanogan County):**

(a) Open April 1 through September 30.

(b) It is unlawful to fish with use of an internal combustion motor. An internal combustion motor may be attached to a floating device, but must not be used.

~~((393))~~ **(394) Washburn Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Trout: Limit one.

(c) Selective gear rules apply.

(d) It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((394))~~ **(395) Watson Lake (Columbia County):**

(a) Open March 1 through October 31.

(b) It is unlawful to fish from any floating device.

(c) Trout: It is unlawful to retain more than 2 trout over 13 inches in length.

~~((395))~~ **(396) Wenaha River tributaries within Washington:**

(a) Open the first Saturday in June through August 31.

(b) Selective gear rules apply.

(c) Trout: Release ~~((all))~~ steelhead.

~~((396))~~ **(397) Wenas Creek (Yakima County):**

(a) From the mouth to Wenas Lake, including all tributaries:

(i) Selective gear rules apply.

(ii) Trout: Minimum size ten inches.

(b) Upstream of Wenas Lake, including all tributaries: Open the Saturday before Memorial Day to October 31.

~~((397))~~ **(398) Wenatchee Lake (Chelan County):**

(a) Selective gear rules apply.

(b) Salmon:

(i) Open July 18 through August 31.

(ii) Minimum length 12 inches.

(iii) Limit 6 sockeye salmon only.

(iv) Release ~~((all))~~ bull trout, steelhead trout, and Chinook salmon.

(v) Night closure in effect.

(vi) It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement.

(c) Trout: Limit two; minimum length twelve inches.

~~((398))~~ **(399) Wenatchee River (Chelan County):**

(a) From the mouth to 400 feet below Dryden Dam:

(i) Salmon open August 1 through September 30.

(ii) Selective gear rules apply.

(iii) Night closure in effect.

(iv) Limit 4; it is unlawful to retain more than 2 adult hatchery Chinook.

(v) Release wild adult Chinook salmon.

(vi) Minimum length 12 inches.

(b) From the mouth of Peshastin Creek (above Dryden Dam) to the Icicle River Road Bridge:

(i) Salmon open August 1 through September 30.

(ii) Limit 4; it is unlawful to retain more than 2 adult hatchery Chinook.

(iii) Release wild adult Chinook salmon.

(iv) Selective gear rules apply and night closure in effect.

(v) Minimum length 12 inches.

~~((399))~~ **(400) West Evans Pond (Asotin County):** It is unlawful to retain more than 2 trout over 13 inches in length.

~~((400))~~ **(401) White River (Chelan County), from the mouth upstream to White River Falls upstream:** Open the Saturday before Memorial Day through October 31, including White River tributaries from the mouth of the White River upstream, except Panther Creek and the Napequa River.

~~((401))~~ **(402) White Salmon River (Klickitat/Skamaniaman 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.

(v) Bass: No limit and no size restriction.

(vi) Channel catfish: No limit.

(vii) Salmon and steelhead open year-round:

(A) From April 1 through July 31:

(I) Limit 2; no more than 2 salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release wild Chinook.

(B) From August 1 through March 31:

(I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release wild Chinook and wild coho.

(viii) 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: Open April 1 through July 31.

(A) Daily limit 3 fish, of which no more than 2 may be salmon.

(B) Release wild Chinook.

(C) Mandatory hatchery steelhead retention. No catch and release of hatchery steelhead.

(D) Selective gear rules.

(c) From the Northwestern Road Bridge upstream to Big Brothers Falls (river mile 16):

(i) From Big Brothers Falls downstream 400 feet: Closed.

- (ii) Open the first Saturday in June through October 31.
- (iii) Selective gear rules apply.
- (iv) Release all fish, except anglers may retain up to 3 hatchery steelhead.
- (v) 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.
 - ~~((402))~~ **(403) Wide Hollow Creek (Yakima County):** Open to juvenile anglers only.
 - ~~((403))~~ **(404) Widgeon Lake (Grant County):** Open April 1 through September 30.
 - ~~((404))~~ **(405) Williams Lake (Spokane County):** Open the fourth Saturday in April through September 30.
 - ~~((405))~~ **(406) Williams Lake (Stevens County):**
 - (a) Open the first Friday after Thanksgiving through March 31.
 - (b) Release all fish except anglers may retain up to five rainbow trout.
 - ~~((406))~~ **(407) Wilson Creek (Kittitas County):**
 - (a) Selective gear rules apply.
 - (b) Trout: Minimum size ten inches.
 - (c) Two branches within Ellensburg city limits: Open to juvenile anglers only.
 - ~~((407))~~ **(408) Winchester Wasteway (Grant County) (that portion within the Winchester Game Reserve):** Open February 1 through September 30.
 - ~~((408))~~ **(409) Yakima River (Yakima County):**
 - (a) General river rules:
 - (i) Release ~~((all))~~ steelhead in the mainstem and tributaries.
 - (ii) Downstream of Highway 240 Bridge, Columbia River rules apply.
 - (iii) In the mainstem and tributaries:
 - (A) Bass: No limit and no size restrictions.
 - (B) Channel catfish: No limit.
 - (C) Walleye: No limit and no size restrictions.
 - (b) Rules by river section:
 - (i) From the Highway 240 Bridge to 400 feet below Prosser Dam:
 - (A) Open March 1 through October 22.
 - (B) From the WDFW white markers 200 feet downstream of the USBR Chandler Powerhouse/Pumping Station spillway chute to the powerline crossing immediately upstream of the powerhouse: Open March 1 through August 31.
 - (C) From March 1 through August 31; for all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement.
 - (D) Chumming is permissible.
 - (E) Trout: Catch and release only.
 - (F) Salmon:
 - (I) Open September 1 through October 22.
 - (II) Night closure in effect.
 - (III) It is unlawful to fish for salmon using anything other than barbless hooks.
 - (IV) Limit 6; it is unlawful to retain more than 2 adults.
 - (V) Fishing from a floating device is prohibited from the Grant Avenue Bridge in Prosser downstream approximately

1.25 miles to the downstream side of the westbound Interstate 82 Bridge.

- (ii) From Prosser Dam to Highway 223 Bridge:
 - (A) Open May 1 through October 31.
 - (B) Trout: Catch and release only.
- (iii) From Highway 223 Bridge to 400 feet below Sunnyside Dam: Trout: Minimum length is 12 inches, maximum length is 20 inches.
- (iv) From Sunnyside Dam to 3,500 feet below Roza Dam:
 - (A) Closed from Yakima Avenue-Terrace Heights Bridge upstream 400 feet.
 - (B) Selective gear rules apply.
 - (C) It is unlawful to fish from a floating device equipped with an internal combustion motor from the I-82 Bridge at Selah Gap to 3,500 feet below Roza Dam.
 - (D) Trout: Minimum length 12 inches, maximum length 20 inches.
 - (E) Open December 1 through January 31 for whitefish only; whitefish gear rules apply.
 - (v) From Roza Dam to 400 feet below Easton Dam:
 - (A) Open year-round.
 - (B) It is permissible to fish from floating devices equipped with motors only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately 1.3 river miles).
 - (C) Selective gear rules apply.
 - (D) Trout: Catch and release.
 - (E) Open December 1 through January 31 for whitefish only; whitefish gear rules apply.
 - (vi) From Easton Dam to the base of Keechelus Dam:
 - (A) Selective gear rules apply.
 - (B) Trout: Catch and release only, except anglers may retain eastern brook trout. There is no limit and no minimum size restriction for eastern brook trout.
 - (vii) For all Yakima River tributaries from Roza Dam to Keechelus Dam not otherwise provided for in this section:
 - (A) Selective gear rules apply.
 - (B) Trout: Minimum length ten inches.
 - (C) Wilson Creek downstream of BNSF railroad bridge: Yakima River rules apply.
 - ~~((409))~~ **(410) Yakima Sportsmen's Park Ponds (Yakima County):** Open to juvenile anglers only.
 - ~~((410))~~ **(411) Yellowhawk Creek (Walla Walla County):** Closed.
 - ~~((411))~~ **(412) Yocum Lake (Pend Oreille County):**
 - (a) Open the fourth Saturday in April through October 31.
 - (b) It is unlawful to use lead weights or lead jigs that measure 1.5 inches or less along the longest axis.
 - (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

AMENDATORY SECTION (Amending WSR 15-13-081, filed 6/12/15, effective 7/13/15)

WAC 220-310-200 Freshwater exceptions to statewide 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.

(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.

(ii) Release all trout, except anglers may retain hatchery steelhead.

(iii) ~~(Walleye:~~

~~(A) Limit 10; no minimum length.~~

~~(B) No more than 5 longer than 18 inches may be retained, and only one walleye may be longer than 24 inches.~~

~~(iv) Bass: Limit 5 bass between 12 and 17 inches in length; no more than 3 longer than 15 inches may be retained.~~

~~(v) Channel catfish: No limit.~~

~~(vi)) Salmon and steelhead:~~

(A) Open June 16 through July 31:

(I) Closed to fishing for salmon and steelhead from Buoy 10 to the Megler-Astoria Bridge.

(II) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(III) Release all salmon other than sockeye and hatchery Chinook.

(IV) From July 7 through July 31, release adult Chinook and sockeye.

(B) Open August 1 through September 7:

(I) Limit 2 salmon, or 2 hatchery steelhead, or one of each.

(II) Release all salmon except Chinook and hatchery coho.

(III) Chinook minimum length 24 inches; only one Chinook may be retained as part of the limit.

(IV) Coho minimum length 16 inches.

(C) Open September 8 through September 30:

(I) Limit 2; hatchery coho or hatchery steelhead or one of each.

(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 2 hatchery steelhead, or one of each, 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.

~~((vii))~~ (iv) Shad open May 16 through March 31.

~~((viii))~~ (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) ~~(Walleye:~~

~~(A) Limit 10; no minimum length.~~

~~(B) No more than 5 longer than 18 inches may be retained, and only one may be longer than 24 inches.~~

~~(iii) Bass: Limit 5 bass between 12 and 17 inches in length; it is unlawful to retain more than 3 longer than 15 inches.~~

~~(iv) Channel catfish: No limit.~~

~~(v))~~ Salmon and steelhead:

(A) Open May 16 through July 31:

(I) Release all salmon except hatchery Chinook and sockeye.

(II) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(III) Release sockeye and adult Chinook May 16 through June 15 and July 7 through July 31.

(B) Open August 1 through September 30:

(I) Upstream of Warrior Rock line: Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained. Release all salmon except Chinook and hatchery coho.

(II) Downstream of Warrior Rock line: Limit 6; no more than 2 adult salmon, and only one adult Chinook may be retained. Release wild Chinook from September 8 through September 14, and release all Chinook from September 15 through September 30.

(C) For the purpose of this subsection, "Warrior Rock line" is defined as a line projected from the Warrior Rock Lighthouse, through Red Buoy 4, to the orange marker atop the dolphin on the Washington shore.

(D) Open October 1 through December 31:

(I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except Chinook and hatchery coho.

(E) 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.

~~((vi))~~ (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.

(ii) Release all trout except hatchery steelhead.

(iv) ~~((Walleye:~~

~~(A) Limit 10; no minimum length.~~

~~(B) No more than 5 longer than 18 inches may be retained, and only one walleye may be longer than 24 inches.~~

~~(v) Bass: Limit 5 bass between 12 and 17 inches in length; no more than 3 longer than 15 inches may be retained.~~

~~(vi) Channel catfish: No limit.~~

~~((vii))~~ Salmon and steelhead:

(A) Open June 16 through July 31:

(I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except hatchery Chinook and sockeye.

(III) Release adult Chinook and sockeye July 7 through July 31.

(B) Open August 1 through December 31:

(I) Limit 6; no more than 2 adult salmon or 2 hatchery steelhead, or one of each, may be retained, except no more than 3 adults, of which no more than 2 may be hatchery coho or 2 hatchery steelhead, or one of each, may be retained upstream from a line projected from the lower end of the Steamboat Landing dock on the Washington shore through navigation Light #50 to the Oregon shore.

(II) Release all salmon except Chinook and hatchery coho.

(III) Closed November 1 through December 31 from Beacon Rock to Bonneville Dam.

~~((viii))~~ (v) Steelhead: Open January 1 through March 31.

~~((ix))~~ (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) ~~((Walleye:~~

~~(A) Limit 10; no minimum length.~~

~~(B) No more than 5 longer than 18 inches may be retained, and only one may be longer than 24 inches.~~

~~(iv) Bass: Limit 5 bass between 12 and 17 inches in length; no more than 3 longer than 15 inches may be retained.~~

~~(v) Channel catfish: No limit.~~

~~((vi))~~ Salmon and steelhead:

(A) When open from March 16 through June 15:

(I) Bank fishing only from Bonneville Dam to Tower Island powerlines (approximately 6 miles below The Dalles Dam).

(II) Only hand-cast lines may be used. It is unlawful to use a floating device to set lines for salmon and steelhead.

(B) Open June 16 through July 31:

(I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except sockeye and hatchery Chinook.

(C) Open August 1 through December 31:

(I) August 1 through October 15: Anti-snagging rule applies and night closure in effect.

(II) Limit 6; no more than 3 adults, of which no more than 2 may be coho or 2 hatchery steelhead, or one of each, may be retained.

(III) Release all salmon except Chinook and coho.

(IV) Release wild coho from Bonneville Dam to Hood River Bridge.

~~((vii))~~ (iv) Steelhead: Open January 1 through March 31.

(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) ~~(Walleye:~~

~~(A) Limit 10; no minimum length.~~

~~(B) No more than 5 longer than 18 inches may be retained, and only one walleye may be longer than 24 inches.~~

~~(iv) Bass: Limit 5 bass between 12 and 17 inches in length; no more than 3 longer than 15 inches may be retained.~~

~~(v) Channel catfish: No limit.~~

~~(vi)) Salmon and steelhead:~~

(A) When open from March 16 through June 15:

(I) Anglers may possess up to 4 hatchery adult Chinook salmon in fresh form.

(II) Anglers aboard a boat may only possess one daily limit of salmon in fresh form.

(B) Open June 16 through July 31:

(I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except hatchery Chinook and sockeye.

(C) Open August 1 through December 31:

(I) August 1 through October 15: Anti-snagging rule applies and night closure in effect.

(II) Limit 6; no more than 3 adults, of which no more than 2 may be coho or 2 hatchery steelhead, or one of each, may be retained.

(III) Release all salmon except Chinook and coho.

~~((vii))~~ (iv) Steelhead: Open January 1 through March 31.

(f) **From McNary Dam to Highway 395 Bridge at Pasco:**

~~(i) ((Barbless hooks are required for salmon and steelhead.~~

~~(ii))~~ The Snake River Confluence Protection Area includes waters of the Columbia River from the railroad bridge between Burbank and Kennewick, upstream approximately 2.1 miles to the first power line crossing the Columbia

upstream of the navigation light on the point of Sacajawea State Park. For all species, limits, seasons, size restrictions and gear restrictions are the same as those in the adjacent portion of the Snake River.

~~((iii))~~ (ii) Release all trout except hatchery steelhead.

~~((iv) From McNary Dam upstream to Highway 730 at the Oregon/Washington border: Walleye limit 10; no minimum length. No more than 5 walleye longer than 18 inches may be retained, and only one may be longer than 24 inches.~~

~~(v) Upstream from Highway 730 at the Oregon/Washington border:~~

~~(A) Bass: No limit and no size restrictions.~~

~~(B) Channel catfish: No limit.~~

~~(C) Walleye: No limit and no size restrictions.~~

~~(vi))~~ (iii) Salmon and steelhead:

(A) When open from March 16 through June 15 from McNary Dam to the Washington/Oregon border:

(I) Anglers may possess up to 4 hatchery adult Chinook in fresh form.

(II) Anglers aboard a boat may only possess one daily limit of salmon in fresh form.

(B) Open June 16 through July 31:

(I) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except hatchery Chinook and sockeye.

(C) Open August 1 through December 31:

(I) Limit 6; no more than 3 adults, of which no more than 2 may be coho or 2 hatchery steelhead, or one of each, may be retained.

(II) Release all salmon except Chinook and coho.

~~((vii))~~ (iv) Steelhead: Open January 1 through March 31.

(g) **From the Highway 395 Bridge at Pasco to the Interstate 182 Bridge:**

~~(i) ((Barbless hooks are required for salmon and steelhead.~~

~~(ii))~~ 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.

~~((iii))~~ (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.

~~((iv))~~ (iii) Trout:

(A) October 1 through October 31 release all trout, except 2 hatchery steelhead with both the adipose and a ventral fin clipped may be retained.

(B) November 1 through March 31 release all trout, except anglers may retain up to 2 hatchery steelhead.

~~((v) Bass: No limit and no size restrictions.~~

~~(vi) Channel catfish: No limit.~~

~~(vii) Walleye: No limit and no size restrictions.~~

~~(viii))~~ (iv) Salmon:

(A) Open June 16 through August 15:

(I) Limit 3; no more than 1 adult hatchery Chinook salmon and no more than 2 sockeye may be retained.

(II) Release wild adult Chinook salmon.

(B) Open August 16 through October 31: Limit 6; no more than 3 adult salmon may be retained. Once the adult

salmon limit is retained, anglers may not continue to fish for any 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) ((Barbless hooks are required for salmon and steelhead.~~

~~((ii))) 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.

~~((iii))) (ii) Ringold Area Bank Fishery waters, from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet, to WDFW markers 1/2 mile upstream from Spring Creek:~~

(A) Fishing is allowed only from the bank and only on the hatchery side of the river.

(B) Release all trout, except anglers may retain up to 2 hatchery steelhead from April 1 through April 15.

~~((iv))) (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.~~

~~((v))) (iv) Trout:~~

(A) October 1 through October 31 release all trout, except 2 hatchery steelhead with both the adipose and a ventral fin clipped may be retained.

(B) November 1 through March 31 release all trout, except anglers may retain up to 2 hatchery steelhead.

~~((vi) Bass: No limit and no size restrictions.~~

~~(vii) Channel catfish: No limit.~~

~~(viii) Walleye: No limit and no size restrictions.~~

~~(ix))) (v) Salmon:~~

(A) Open June 16 through August 15:

(I) Limit 8; no more than 2 adult hatchery Chinook and no more than 6 sockeye may be retained.

(II) Release wild adult Chinook.

(B) Open August 16 through October 31: Limit 6; no more than 3 adult salmon may be retained. Once the adult salmon daily limit has been retained, anglers may not continue to fish for any 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) ((Barbless hooks are required for salmon and steelhead.~~

~~((ii))) Open February 1 through October 22.~~

~~((iii))) (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.~~

~~((iv))) (iii) Trout: Catch and release only.~~

~~((v) Bass: No limit and no size restrictions.~~

~~(vi) Channel catfish: No limit.~~

~~(vii) Walleye: No limit and no size restrictions.~~

~~(viii))) (iv) Salmon:~~

(A) Open June 16 through August 15:

(I) Limit 8; no more than 2 adult hatchery Chinook and no more than 6 sockeye may be retained.

(II) Release wild adult Chinook.

(B) Open August 16 through October 22: Limit 6; no more than 3 adult salmon may be retained. Once the adult salmon daily limit is retained, anglers may not continue to fish for any species the remainder of the day.

(j) From Vernita Bridge (Highway 24) to Priest Rapids Dam:

~~(i) ((Barbless hooks are required for salmon and steelhead.~~

~~((ii))) Closed waters:~~

(A) At Priest Rapids Dam; waters between the upstream line of Priest Rapids Dam downstream to the boundary markers 650 feet below the fish ladders.

(B) At Jackson (Moran) Creek, or Priest Rapids Hatchery Outlet Creek; waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to mid-stream Columbia River between boundary markers located 100 feet upstream and 400 feet downstream of the mouth.

~~((iii))) (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.~~

~~((iv))) (iii) Trout: Catch and release only.~~

~~((v) Walleye: No limit and no size restrictions.~~

~~(vi) Bass: No limit and no size restrictions.~~

~~(vii) Channel catfish: No limit.~~

~~(viii))) (iv) Salmon:~~

(A) Open June 16 through August 15:

(I) Limit 8; no more than 2 adult hatchery Chinook and no more than 6 sockeye may be retained.

(II) Release wild adult Chinook.

(B) Open August 16 through October 22: Limit 6; no more than 3 adult salmon may be retained. Once the adult salmon daily limit is retained, anglers may not continue to fish for any species the remainder of the day.

(k) From Priest Rapids Dam to Rock Island Dam:

~~(i) ((Barbless hooks required for salmon and steelhead.~~

~~((ii))) 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.

~~((iii))) (ii) July 1 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.~~

~~((iv))) (iii) Release all trout.~~

~~((v) Walleye: No limit and no size restrictions.~~

~~(vi) Bass: No limit and no size restrictions.~~

~~(vii) Channel catfish: No limit.~~

~~(viii))) (iv) Salmon:~~

(A) Open July 1 through August 31:

(I) Limit 8; no more than 2 adult hatchery Chinook and no more than 6 sockeye may be retained.

(II) Release coho and wild adult Chinook.

(B) Open September 1 through October 22: Limit 6 Chinook; no more than 3 adult Chinook salmon may be retained.

(l) From Rock Island Dam to Wells Dam:

~~(i) ((Barbless hooks are required for salmon and steel head.~~

~~((ii))) 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).

~~((iii))) (ii) July 1 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.~~

~~((iv))) (iii) Trout: Catch and release only.~~

~~((v) Walleye: No limit and no size restrictions.~~

~~(vi) Bass: No limit and no size restrictions.~~

~~(vii) Channel catfish: No limit.~~

~~(viii))) (iv) Salmon open July 1 through October 15:~~

(A) Limit 8; no more than 2 adult hatchery Chinook and no more than 6 sockeye may be retained.

(B) Release coho and wild adult Chinook.

(m) From Wells Dam to Highway 173 Bridge at Brewster:

~~(i) ((Barbless hooks are required for salmon and steel head.~~

~~((ii))) July 16 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.~~

~~((iii))) (ii) Release all trout.~~

~~((iv) Walleye: No limit and no size restrictions.~~

~~(v) Bass: No limit and no size restrictions.~~

~~(vi) Channel catfish: No limit.~~

~~(viii))) (iii) Salmon open July 16 through August 31:~~

(A) Limit 8; no more than 2 adult hatchery Chinook and no more than 6 sockeye may be retained.

(B) Release coho and wild adult Chinook.

(n) From Highway 173 Bridge at Brewster to Chief Joseph Dam:

~~(i) ((Barbless hooks are required for salmon and steel head.~~

~~((ii))) 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.

~~((iii))) (ii) July 1 through August 31: Fishing two poles is permissible so long as the angler possesses a two-pole endorsement.~~

~~((iv))) (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.~~

~~((v) (iv) Trout: Catch and release only.~~

~~((vi) Walleye: No limit and no size restrictions.~~

~~(vii) Bass: No limit and no size restrictions.~~

~~(viii) Channel catfish: No limit.~~

~~(ix))) (v) Salmon: Open July 1 through October 15:~~

(A) Limit 8; no more than 2 adult hatchery Chinook and no more than 6 sockeye 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 15-20-074

PROPOSED RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Filed October 2, 2015, 2:14 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-14-089 on June 29, 2015.

Title of Rule and Other Identifying Information: The department proposes a new section in chapter 220-20 WAC to establish a combined guide license as required under section 7 of SB [SSB] 5824 (SL 2015 c 97 s 7).

Hearing Location(s): Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA 98504, on November 13-14, 2015, at 8:30 a.m.

Date of Intended Adoption: On or after November 14, 2015.

Submit Written Comments to: Joanna Eide, Washington Department of Fish and Wildlife (WDFW), Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Rules.Coordinator@dfw.wa.gov, fax (360) 902-2155, by November 4, 2015.

Assistance for Persons with Disabilities: Contact Tami Lininger by November 4, 2015, TTY (800) 833-6388 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: A combined food fish and game fish guide license at a reduced rate is proposed at the request of the industry and as required by the legislature under SB [SSB] 5824. A new combined guide license will expedite and simplify the issuance of guide license to individuals who hold both a food fish and game fish guide license.

Reasons Supporting Proposal: SB [SSB] 5824 was passed during the 2015 legislative session creating a new section in chapter 77.65 RCW directing the department to establish, by rule, a fish guide combination license to allow holders to offer or perform the services of a food fish and a game fish guide. The department must engage in rule making to adhere to state law and create the combined license, as well as establish the fee for the combined license. SB [SSB] 5824 (2015 c 97) became effective on July 24, 2015.

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: There is a minimal fiscal impact to the department of approximately \$9,000 each fiscal year.

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting: Joanna Eide, 1111 Washington Street S.E., Olympia, WA 98501, (360) 902-2403; Implementation: Frank Hawley, 1111 Washington Street S.E., Olympia, WA 98501, (360) 902-2453; and Enforcement: Steve Crown, 1111 Washington Street S.E., Olympia, WA 98501, (360) 902-2373.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

1. Description of the Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule: SB [SSB] 5824 was passed during the 2015 legislative session creating a new section in chapter 77.65 RCW that directs the department to establish, by rule, a fish guide combination license to allow holders to offer or perform the services of a food fish and a game fish guide. The department must engage in rule making to adhere to state law and create the combined license, as well as establish the fee for the combined license. SB [SSB] 5824 (SL 2015 c 97) became effective on July 24, 2015.

The proposed rule establishes a combined fish guide license that allows the holders to offer or perform the services of a food and a game fish guide. The fee for a resident combined fishing guide license is proposed at \$435 for residents and proposed at \$1,435 for nonresidents. A combined guide license is exempt from an application fee.

There are no new reporting and recordkeeping requirements for the license holder under this rule making. Applicants for a combination food fish and game fish guide license will still need to complete preexisting requirements established in statute for obtaining a food fish guide license or a game fish guide license.

2. Kinds of Professional Services that a Small Business is Likely to Need in Order to Comply with Such Requirements: There are no new anticipated professional services required to obtain a combined guide license. Applicants for a combination food fish and game fish guide license will still need to complete preexisting requirements established in statute for obtaining a food fish guide license or a game fish guide license.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: None. No new requirements are established in this proposal.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No. This rule change will positively impact those individuals who obtain both a food fish guide license and a game fish guide license in that they will be able to obtain a combination license allowing them to perform the services of both at a reduced rate.

5. Cost of Compliance for Small Businesses Compared with the Cost of Compliance for the Ten Percent of Businesses That are the Largest Businesses Required to

Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:

1. Cost per employee;
2. Cost per hour of labor; or
3. Cost per one hundred dollars of sales.

None - the proposed rules do not require any additional equipment, supplies, labor, or administrative costs. Costs may be incurred by businesses to meet the qualifications required to be eligible for a license, however, those costs are not determined or impacted by these rules and are already required by state law as explained above.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses, or Reasonable Justification for Not Doing So: Most businesses affected by this rule are small individual business owners. As indicated above, the license application requirements proposed by the rule are identical to license application requirements WDFW and RCW have required for an individual food or game fish guide license. Therefore, this rule will not impose new costs on small businesses. In fact, the rule will reduce costs for those individuals who currently purchase both a food fish guide license and a game fish guide license.

The proposed rule will reduce the amount individuals wishing to be licensed as both a food fish and game fish guide pay by \$35. Individuals making separate purchases of a game or a food fish guide license would pay \$470. Individuals making purchases are charged \$70 for each guide application process.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: Industry requested and participated in passing SB [SSB] 5824, and proposed the establishment of a combined guide license. WDFW will also share the rule language and proposed (largely unchanged) process for applications for the combine [combined] guide licenses with affected businesses and receive input from those individuals as part of this rule making. Affected businesses will also have an opportunity to provide public comment during the public hearing on the rule proposal.

8. A List of Industries That Will Be Required to Comply with the Rule: This rule proposes creating a combination guide license which is an optional purchase for those individuals wishing to perform the services of both a food fish guide and a game fish guide. There are no new requirements for current license holders, nor are there new requirements imposed for new applicants under this proposed rule.

9. An Estimate of the Number of Jobs That Will Be Created or Lost as a Result of Compliance with the Proposed Rule: This rule will not have an impact on the individuals who currently possess a food fish guide or game fish guide license. The proposed new combination license is provided as an option to those wishing to perform the services of both a food fish or game fish guide. The rules will not have an impact on job creation or job loss.

A copy of the statement may be obtained by contacting Frank Hawley, WDFW, Licensing Division, 600 Capitol Way North, Olympia, WA 98501, phone (360) 902-2453, fax (360) 902-2466, e-mail frank.hawley@dfw.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. This proposal does not involve hydraulics rules.

October 2, 2015
Joanna M. Eide
Rules Coordinator

NEW SECTION

WAC 220-20-135 Combined fish guide license. A combined fish guide license allows the holder to offer or perform the services of a food fish guide and a game fish guide. The fee for a resident combined fish guide license is \$435 and the fee for a nonresident combined fish guide license is \$1,435. A combined fish guide license is exempt from an application fee.

**WSR 15-20-076
PROPOSED RULES
OFFICE OF
FINANCIAL MANAGEMENT**

[Filed October 2, 2015, 2:37 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 357-43-007 What provisions apply when an employee's position is eliminated because the employer has awarded a contract through the competitive contracting process as described in Title 200 WAC?, 357-43-008 What happens if an employee chooses to not be a part of the employee business unit?, and 357-43-015 Which rules explain employee business unit bid submittal and bid evaluation?

Hearing Location(s): Office of Financial Management (OFM), Capitol Court Building, 1110 Capitol Way South, Suite 120, Conference Room 110, Olympia, WA 98501, on November 12, 2015, at 8:30 a.m.

Date of Intended Adoption: November 12, 2015.

Submit Written Comments to: Kristie Wilson, OFM, P.O. Box 47500, e-mail Kristie.wilson@ofm.wa.gov, fax (360) 586-4694 by November 5, 2015. For OFM tracking purposes, please note on submitted comments "FORMAL COMMENT."

Assistance for Persons with Disabilities: Contact OFM by November 5, 2015, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to change citations to WAC that are no longer accurate. All references to Title 236 WAC and individual WAC in that title are changed to reflect the rules new citation in Title 200 WAC.

Reasons Supporting Proposal: Title 236 WAC previously fell under the department of general administration's (GA) authority. In 2011 GA was abolished and its authority was incorporated in the department of enterprise services (DES), a new agency created in the same legislation that abolished GA. Because of this reorganization of state agencies, Title 236 WAC was recodified to Title 200 WAC, DES.

Statutory Authority for Adoption: Chapter 41.06 RCW.
Statute Being Implemented: RCW 41.06.150.

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

Name of Proponent: OFM, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Kristie Wilson, 128 10th Avenue S.W., Olympia, WA 98501, (360) 407-4139.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Rules related only to internal government operations. No impact to businesses or industry.

A cost-benefit analysis is not required under RCW 34.05.328. Rules are related to internal government operations and are not subject to violation by a nongovernmental party. See RCW 34.05.328 (5)(b)(ii) for exemption.

October 2, 2015
Roselyn Marcus
Assistant Director of Legal
and Legislative Affairs

AMENDATORY SECTION (Amending WSR 07-11-092, filed 5/16/07, effective 7/1/07)

WAC 357-43-007 What provisions apply when an employee's position is eliminated because the employer has awarded a contract through the competitive contracting process as described in Title ((236)) 200 WAC? WAC 357-46-012 governs layoff actions resulting from the competitive contracting process as described in Title ((236)) 200 WAC.

AMENDATORY SECTION (Amending WSR 07-11-092, filed 5/16/07, effective 7/1/07)

WAC 357-43-008 What happens if an employee chooses to not be a part of the employee business unit? When an employee chooses to not be a part of the employee business unit, the following applies:

(1) If the employee chooses to not be a part of the employee business unit before the employer's notification of the intent to award the contract to the employee business unit (as described in WAC ((236-51-600)) 200-320-600), the employee has layoff rights in accordance with WAC 357-46-012.

(2) If the employee chooses to not be a part of the employee business unit after the employer's notification of the intent to award the contract to the employee business unit (as described in WAC ((236-51-600)) 200-320-600), the employee has no layoff rights under chapter 357-46 WAC and is considered to have resigned when his/her position is eliminated.

AMENDATORY SECTION (Amending WSR 05-01-193, filed 12/21/04, effective 7/1/05)

WAC 357-43-015 Which rules explain employee business unit bid submittal and bid evaluation? The rules explaining employee business unit bid submittals and evaluation of those bids are included in chapter ((236-51)) 200-320 WAC, Competitive contracting.

WSR 15-20-077
PROPOSED RULES
OFFICE OF
FINANCIAL MANAGEMENT

[Filed October 2, 2015, 2:40 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 357-01-190 Job seeker.

Hearing Location(s): Office of Financial Management (OFM), Capitol Court Building, 1110 Capitol Way South, Suite 120, Conference Room 110, Olympia, WA 98501, on November 12, 2015, at 8:30 a.m.

Date of Intended Adoption: November 12, 2015.

Submit Written Comments to: Kristie Wilson, OFM, P.O. Box 47500, e-mail Kristie.wilson@ofm.wa.gov, fax (360) 586-4694, by November 5, 2015. For OFM tracking purposes, please note on submitted comments "FORMAL COMMENT."

Assistance for Persons with Disabilities: Contact OFM by November 5, 2015, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed change to the definition of "job seeker" is recommended because in the online recruiting system job seekers are not searchable by recruiters if the job seeker has only completed a preliminary profile. The job seeker must submit an application for a position at the recruiter's agency for the recruiter to be able to view them.

Reasons Supporting Proposal: This is to remove the preliminary profile information due to the online recruiting system.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

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

Name of Proponent: OFM, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Kristie Wilson, 128 10th Avenue S.W., Olympia, WA 98501, (360) 407-4139.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Rules related only to internal government operations. No impact to businesses or industry.

A cost-benefit analysis is not required under RCW 34.05.328. Rules are related to internal government operations and are not subject to violation by a nongovernmental party. See RCW 34.05.328 (5)(b)(ii) for exemption.

October 2, 2015
 Roselyn Marcus
 Assistant Director of Legal
 and Legislative Affairs

AMENDATORY SECTION (Amending WSR 05-01-204, filed 12/21/04, effective 7/1/05)

WAC 357-01-190 Job seeker. An individual who has indicated to the employer an interest in employment by ~~((completing a preliminary profile or by))~~ submitting an application.

WSR 15-20-078
PROPOSED RULES
OFFICE OF
FINANCIAL MANAGEMENT

[Filed October 2, 2015, 3:52 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 357-28-042 If the legislature approves a salary increase, will employees whose base salaries are set above the maximum of a salary range assigned to the position receive the salary increase?, 357-58-087 If the legislature approves a salary increase, will employees whose base salaries are set outside the maximum of the assigned management band receive the salary increase?, and 357-58-090 For what reasons can an agency adjust a WMS salary?

Hearing Location(s): Office of Financial Management (OFM), Capitol Court Building, 1110 Capitol Way South, Suite 120, Conference Room 110, Olympia, WA 98501, on November 12, 2015, at 8:30 a.m.

Date of Intended Adoption: November 12, 2015.

Submit Written Comments to: Kristie Wilson, OFM, P.O. Box 47500, e-mail Kristie.wilson@ofm.wa.gov, fax (360) 586-4694, by November 5, 2015. For OFM tracking purposes, please note on submitted comments "FORMAL COMMENT."

Assistance for Persons with Disabilities: Contact OFM by November 5, 2015, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These new rules address what happens when the legislature approves a salary increase and there are both Washington general service and Washington management service employees who are above the maximum of the salary range or assigned band prior to the increase.

The proposed new rules clarify the longstanding interpretation that these employees will not receive the salary increase unless specifically stated otherwise in the appropriations act or the top step of the adjusted range or band exceeds the employee's current salary.

Reasons Supporting Proposal: The proposed new rules clarify the longstanding interpretation.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

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

Name of Proponent: OFM, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Kristie Wilson, 128 10th Avenue S.W., Olympia, WA 98501, (360) 407-4139.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Rules related only to internal government operations. No impact to businesses or industry.

A cost-benefit analysis is not required under RCW 34.05.328. Rules are related to internal government operations and are not subject to violation by a nongovernmental party. See RCW 34.05.328 (5)(b)(ii) for exemption.

October 2, 2015
Roselyn Marcus
Assistant Director of Legal
and Legislative Affairs

NEW SECTION

WAC 357-28-042 If the legislature approves a salary increase will employees whose base salaries are set above the maximum of a salary range assigned to the position receive the salary increase? If the legislature approves a salary increase, employees whose base salaries are set above the maximum of a salary range will not receive the salary increase unless:

(1) The appropriations act specifically states that employees whose base salaries are set above the maximum of a salary range will receive the increase; or

(2) The top step of the adjusted range exceeds the employee's current salary.

NEW SECTION

WAC 357-58-087 If the legislature approves a salary increase, will employees whose base salaries are set outside the maximum of the assigned management band receive the salary increase? If the legislature approves a salary increase, employees whose base salaries are set outside the maximum of the assigned management band will not receive the salary increase unless:

(1) The appropriations act specifically states that employees whose base salaries are set outside the maximum of the assigned management band will receive the increase; or

(2) The top of the adjusted band exceeds the employee's current salary.

AMENDATORY SECTION (Amending WSR 05-12-068, filed 5/27/05, effective 7/1/05)

WAC 357-58-090 For what reasons can an agency adjust a WMS salary? Salary adjustments may be made under the following conditions:

(1) Legislatively directed general and/or special increase unless the employee is above the salary band maximum;

(2) Documented recruitment and/or retention problems as approved by the agency director or designee; ~~((and/or))~~

(3) Documented agency and/or state internal salary relationship problems, as approved by the agency director or designee.

WSR 15-20-086

PROPOSED RULES

EASTERN WASHINGTON UNIVERSITY

[Filed October 5, 2015, 3:09 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-17-095.

Title of Rule and Other Identifying Information: Repealing chapter 172-124 WAC, Disposition of obligations owed to university by students.

Hearing Location(s): Eastern Washington University, Main Campus, Showalter Hall, Room 201, Cheney, WA 99004, on November 12, 2015, at 10:00 a.m.

Date of Intended Adoption: November 20, 2015.

Submit Written Comments to: University Policy Administrator, 214 Showalter Hall, Cheney, WA 99004, e-mail tlutey@ewu.edu, fax (509) 359-7036, by November 10, 2015.

Assistance for Persons with Disabilities: Contact Trent Lutey by November 10, 2015, (509) 359-6322.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The provisions of this WAC that are still relevant and current are being incorporated into chapter 172-144 WAC.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

Statute Being Implemented: Not applicable.

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

Name of Agency Personnel Responsible for Drafting: Trent Lutey, 214 Showalter, Cheney, WA 99004, (509) 359-6322; Implementation and Enforcement: Laurie Connelly, 214 Showalter, Cheney, WA 99004, (509) 359-2371.

No small business economic impact statement has been prepared under chapter 19.85 RCW. WAC revision does not impose a disproportionate impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Chapter 172-121 [172-124] WAC is not considered a significant legislative rule by Eastern Washington University.

October 5, 2015

Trent Lutey

University Policy Administrator

WSR 15-20-088

PROPOSED RULES

EASTERN WASHINGTON UNIVERSITY

[Filed October 6, 2015, 7:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-17-097.

Title of Rule and Other Identifying Information: Amending chapter 172-144 WAC, Special charges—Financial responsibility, to update rules related to recovery of debts due to the university.

Hearing Location(s): Eastern Washington University, Main Campus, Showalter Hall, Room 201, Cheney, WA 99004, on November 12, 2015, at 10:00 a.m.

Date of Intended Adoption: November 20, 2015.

Submit Written Comments to: University Policy Administrator, 214 Showalter Hall, Cheney, WA 99004, e-mail tlutey@ewu.edu, fax (509) 359-7036, by November 10, 2015.

Assistance for Persons with Disabilities: Contact Trent Lutey by November 10, 2015, (509) 359-6322.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These revisions are needed to update university standards and processes for handling recovery of debts to add needed provisions, increase clarity, and to more closely reflect current practice.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

Statute Being Implemented: Not applicable.

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

Name of Agency Personnel Responsible for Drafting: Trent Lutey, 214 Showalter, Cheney, WA 99004, (509) 359-6322; Implementation and Enforcement: Laurie Connelly, 214 Showalter, Cheney, WA 99004, (509) 359-2371.

No small business economic impact statement has been prepared under chapter 19.85 RCW. WAC revision does not impose a disproportionate impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Chapter 172-121 [172-144] WAC is not considered a significant legislative rule by Eastern Washington University.

October 5, 2015

Trent Lutey
University Policy Administrator

Chapter 172-144 WAC

OUTSTANDING FINANCIAL OBLIGATIONS TO THE UNIVERSITY ((SPECIAL CHARGES — FINANCIAL RESPONSIBILITY))

NEW SECTION

WAC 172-144-100 Applicability. The provisions of this chapter shall be used to pursue recovery of outstanding financial obligations owed to the university. This chapter does not apply to wage overpayments to persons who are current university employees. Wage overpayments for current university employees are handled consistent with RCW 49.48.200-.210.

NEW SECTION

WAC 172-144-110 Notice of outstanding financial obligation. (1) Whenever the university determines that a debt owed to the university is outstanding, the university shall provide written notice to the debtor. The notice shall include:

- (a) the amount of the debt owed to the university,
- (b) the basis for the claim,

(c) a demand for payment within a certain period of time, and

(d) notification of the right of the debtor to challenge the debt by requesting a brief adjudicative proceeding by submitting a request within twenty-one calendar days of the notice.

(2) The notice must be served on the debtor. Service may be accomplished by:

(a) posting the notice in the United States mail, properly addressed to the last known address on file for the debtor with postage prepaid;

(b) personally serving the debtor; or,

(c) by e-mailing the debtor if the debtor has previously agreed to receive notice via e-mail.

NEW SECTION

WAC 172-144-120 Debtor requests for brief adjudicative proceedings. If a debtor disagrees with the notice of outstanding financial obligation issued by the university, the debtor can challenge the debt by filing a request for a brief adjudicative proceeding. The university must receive the request within twenty-one days after service of the notice of outstanding financial obligation. If a request is not received within twenty-one days, the university's determination of the amount of debt owed is a final order.

The request must be submitted to the university's Chief Financial Officer, 307 Showalter Hall, Cheney, WA 99004. The request must set forth which debt is being contested and the reasons the debtor believes the notice was incorrect.

Upon receiving the request for a brief adjudicative proceeding, the Chief Financial Officer will appoint a presiding officer to conduct a brief adjudicative proceeding. The brief adjudicative proceeding will be conducted in accordance with the university's rules for adjudicative proceedings, chapter 172-108 WAC.

NEW SECTION

WAC 172-144-130 Final order. If a debtor fails to timely request a brief adjudicative proceeding, the university's notice of the debt owed becomes a final order. If the debtor timely requests a brief adjudicative proceeding, at the conclusion of the proceedings identified in WAC 172-108-070, the university will issue a final order specifying what, if any, debt is owed to the university and a time period during which the debtor must pay the debt.

NEW SECTION

WAC 172-144-140 Collection of outstanding financial obligations. After making a final determination regarding a person/entity's outstanding financial obligation, if the debtor fails to pay the debt within the time specified by the university, the university may pursue any lawful means to collect the debt. This includes, but is not limited to:

(1) Registration/Transcripts: The university may withhold admission or registration privileges, conferring of degrees, and the issuance of academic transcripts for a person who has an outstanding financial obligation to the university, even if the debt has been assigned to another agency, entity, or department.

(2) Collections: If the debt remains unpaid for more than 30 days after notice of the university's final determination, the university may assign the debt to a collection agency in accordance with RCW 19.16.050. If the debt is assigned to a collection agency, the debtor is responsible for all collection fees, which may be based on a percentage up to 35% of the unpaid charges, and all costs and expenses, including attorneys' fees related to collection of the unpaid debt.

(3) Civil Action: The university may initiate a civil action against the debtor to recover the debt.

(4) Travel Costs: Financial obligations which result from travel advances or travel-related expenditures will be addressed and collected consistent with the office of financial management's policies.

(5) Other: The university may pursue any other lawful means of recovering the outstanding financial obligation.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 172-144-010 Purpose.
 WAC 172-144-020 Authority of the university to make deductions.
 WAC 172-144-040 Periodic deductions.
 WAC 172-144-045 Financial obligations relating to travel.

WSR 15-20-089

PROPOSED RULES

EASTERN WASHINGTON UNIVERSITY

[Filed October 6, 2015, 7:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-17-099.

Title of Rule and Other Identifying Information: Adopting chapter 172-110 WAC, Drones and model aircraft, to codify rules related to the use of unmanned aircraft on or over property owned, operated or controlled by Eastern Washington University.

Hearing Location(s): Eastern Washington University, Main Campus, Showalter Hall, Room 201, Cheney, WA 99004, on November 12, 2015, at 10:00 a.m.

Date of Intended Adoption: November 20, 2015.

Submit Written Comments to: University Policy Administrator, 214 Showalter Hall, Cheney, WA 99004, e-mail tlutey@ewu.edu, fax (509) 359-7036, by November 10, 2015.

Assistance for Persons with Disabilities: Contact Trent Lutey by November 10, 2015, (509) 359-6322.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These rules are needed to protect personal privacy and ensure public safety.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

Statute Being Implemented: Not applicable.

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

Name of Agency Personnel Responsible for Drafting: Trent Lutey, 214 Showalter, Cheney, WA 99004, (509) 359-6322; Implementation and Enforcement: Laurie Connelly, 214 Showalter, Cheney, WA 99004, (509) 359-2371.

No small business economic impact statement has been prepared under chapter 19.85 RCW. WAC revision does not impose a disproportionate impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Chapter 172-121 [172-110] WAC is not considered a significant legislative rule by Eastern Washington University.

October 5, 2015

Trent Lutey

University Policy Administrator

Chapter 172-110 WAC

DRONES AND MODEL AIRCRAFT

NEW SECTION

WAC 172-110-010 Scope. These rules govern the use of drones and model aircraft:

- (1) by university employees and students operating a drone or model aircraft in any location as part of their university employment or as part of university activities; and,
- (2) the operation by any person of a drone or model aircraft on or above Eastern Washington University property.

NEW SECTION

WAC 172-110-020 General. The operation of drones and model aircraft is regulated by the Federal Aviation Administration (FAA) and relevant state law. Eastern Washington University is committed to ensuring compliance with those legal standards and reducing risks to safety, security and privacy.

NEW SECTION

WAC 172-110-030 Definitions. Throughout this chapter, the following definitions shall apply:

- (1) 'Eastern Washington University Property' includes all buildings, grounds, and land that are owned and/or operated by Eastern Washington University.
- (2) 'Drones' refers to Unmanned Aircraft Systems (UAS) as defined by the Federal Aviation Administration (FAA) and includes any aircraft that is operated without the possibility of direct human intervention from within or on the aircraft and associated elements.
- (3) 'Model Aircraft' refers to Unmanned Aircraft Systems that are used for hobby and/or recreation.
- (4) 'Navigable Airspace' means the airspace of the United States above the minimum altitudes of flight prescribed by the regulations of the FAA, including airspace needed to ensure safety in the takeoff and landing of aircraft.
- (5) Commercial Purpose means the transportation of persons or property or other use of drones for compensation or hire.

NEW SECTION

WAC 172-110-040 Educational use of drones. The university, in carrying out its educational, research, and service missions, may make use of drones when granted authorization to do so by the FAA.

A university employee or student who wishes to operate a drone as part of their university employment or an official university activity must comply with FAA regulations and university policy. Information on how to obtain authorization is available from the Director of Public Safety (Director). Only the Director may submit requests for authorization to the FAA for such educational use of drones.

Any university employee, student, or unit purchasing a UAS (or the parts to assemble a UAS) with university funds or funds being disbursed through a university account, or grant funds, must contact the Director to pursue needed approval(s).

Any use or work on UAS technology must comply with the International Traffic in Arms Regulations, Export Administration Regulations, and Office of Foreign Asset Control regulations.

NEW SECTION

WAC 172-110-050 Third party professional use of drones. Third parties planning to use a drone on or above Eastern Washington University property shall:

- (1) obtain approval from the Director;
- (2) provide proof of FAA approval;
- (3) enter into a contract which holds the university harmless from any resultant claims or harm to individuals and damage to university property; and,
- (4) provide proof of insurance as required by the Director.

NEW SECTION

WAC 172-110-060 Personal use of drones or model aircraft. Personal use of drones and/or model aircraft on or above Eastern Washington University property requires the advance approval of the Director and is subject to the following restrictions:

- (1) Model aircraft must be kept within visual sightline of the operator at all times;
- (2) Model aircraft must weigh under 55 pounds unless certified by an aeromodeling community-based organization; and,
- (3) Model aircraft must be flown a sufficient distance from populated areas.

NEW SECTION

WAC 172-110-070 Prohibited use of drones and model aircraft. The use of drones and model aircraft is prohibited in areas where there is a reasonable expectation of privacy in accordance with accepted social norms. These areas include, but are not limited to, restrooms, locker rooms, in and around residential buildings or facilities, individual residential rooms, changing or dressing rooms, health treatment rooms, campus daycare facilities, and university offices and

work areas. Drones and model aircraft may not be used to monitor or record institutional or personal information which may be found, for example, on computer or other electronic displays.

NEW SECTION

WAC 172-110-080 Director of public safety. (1) The Director of Public Safety shall ensure that the use of drones and model aircraft subject to these rules is in compliance with applicable federal and state laws.

(2) The Director shall consider ethical issues related to a proposed use of drones or model aircraft prior to approving such use.

(3) The Director shall keep the Vice President for Business and Finance informed of any use of drones or model aircraft under these rules.

(4) In responding to a proposed use of a drone or model aircraft, the Director may approve the use as proposed, may require modification of the proposal, or may deny the proposal.

(5) The Director may deny any proposed use of a drone or model aircraft that he/she determines constitutes a commercial use or is otherwise not authorized under federal, state, or local laws or regulations.

(6) If the Director denies a proposed use, the denial may be appealed, in writing, to the Vice President for Business and Finance.

(7) The Director shall provide ongoing review of approved drone and model aircraft use.

(8) With the approval of the Vice President for Business and Finance, the Director may develop procedures for implementing these rules.

(9) The Director may suspend or terminate any use of drones or model aircraft deemed inconsistent with previously approved use, and/or the requirements of federal, state, or local regulations.

NEW SECTION

WAC 172-110-090 Violations. Violations of this chapter are subject to applicable university policies and procedures, which may include disciplinary actions up to and including termination from the university.

Legal prohibitions regarding physical presence on campus/trespassing and other legal action may also be pursued against third parties that violate this chapter.

Fines or damages resulting from the unauthorized use of drones or model aircraft shall be the responsibility of the persons or units involved.

WSR 15-20-090

PROPOSED RULES

EASTERN WASHINGTON UNIVERSITY

[Filed October 6, 2015, 7:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-17-096.

Title of Rule and Other Identifying Information: Amending chapter 172-100 WAC, Traffic and parking rules.

Hearing Location(s): Eastern Washington University, Main Campus, Showalter Hall, Room 201, Cheney, WA 99004, on November 12, 2015, at 10:00 a.m.

Date of Intended Adoption: November 20, 2015.

Submit Written Comments to: University Policy Administrator, 214 Showalter Hall, Cheney, WA 99004, e-mail tlutey@ewu.edu, fax (509) 359-7036, by November 10, 2015.

Assistance for Persons with Disabilities: Contact Trent Lutey by November 10, 2015, (509) 359-6322.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These changes are needed to add rules related to the use of electric vehicle charging stations on university property and to more accurately reflect current organizational operations and practices.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

Statute Being Implemented: Not applicable.

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

Name of Agency Personnel Responsible for Drafting: Trent Lutey, 214 Showalter, Cheney, WA 99004, (509) 359-6322; Implementation and Enforcement: Laurie Connelly, 214 Showalter, Cheney, WA 99004, (509) 359-2371.

No small business economic impact statement has been prepared under chapter 19.85 RCW. WAC revision does not impose a disproportionate impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Chapter 172-121 [172-100] WAC is not considered a significant legislative rule by Eastern Washington University.

October 5, 2015

Trent Lutey
University Policy Administrator

Chapter 172-100 WAC

TRAFFIC AND PARKING RULES

NEW SECTION

WAC 172-100-150 Electric vehicle charging stations.

(1) These rules govern the use of electric vehicle charging stations (EVCSs) that are located on parking lots or at metered parking spaces which are owned and/or operated by Eastern Washington University (EWU). All EVCSs will be clearly marked by signs and green pavement markings as required by RCW 46.08.185.

(2) General rules:

(a) Vehicles parked in an EVCS must be in compliance with all other parking rules for that parking area as described in chapter 172-100 WAC.

(b) Vehicles must be actively charging while parked in an EVCS. Per RCW 46.08.185, a monetary penalty will be assessed to any vehicle parked in an EVCS on public or private property if the vehicle is not connected to the charging equipment.

(c) There is no additional charge to plug into an EVCS.

(d) Vehicles parked in an EVCS located on a permit-required parking lot that is owned and/or operated by EWU must display a valid parking permit for the lot and are limited to four hours per day of parking in the EVCS during designated days/times in which a parking permit is required.

(e) Persons using an EVCS located at a metered-parking space that is owned and/or operated by EWU must pay the required parking meter fee and are limited to four hours per day of parking in the EVCS during posted days/times of operation.

(3) Restrictions

(a) Charging of an electric vehicle is limited to an EVCS only. No person may use an electrical outlet of any facility owned and/or operated by EWU for vehicle charging except for vehicles that are owned or leased by EWU.

(b) EVCSs may be closed for special event parking, maintenance, and/or construction.

(c) An EVCS may be reserved through the Parking and Transportation Services office for some special event parking.

(d) EWU assumes no responsibility or liability for damage to vehicles using an EVCS.

(e) A violation of these rules may result in issuance of a parking infraction.

WSR 15-20-091

PROPOSED RULES

EASTERN WASHINGTON UNIVERSITY

[Filed October 6, 2015, 7:21 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-17-098.

Title of Rule and Other Identifying Information: Amending chapter 172-121 WAC, Eastern Washington University student conduct code.

Hearing Location(s): Eastern Washington University, Main Campus, Showalter Hall, Room 201, Cheney, WA 99004, on November 12, 2015, at 10:00 a.m.

Date of Intended Adoption: November 20, 2015.

Submit Written Comments to: University Policy Administrator, 214 Showalter Hall, Cheney, WA 99004, e-mail tlutey@ewu.edu, fax (509) 359-7036, by November 10, 2015.

Assistance for Persons with Disabilities: Contact Trent Lutey by November 10, 2015, (509) 359-6322.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This update modifies student disciplinary council pool composition, notification procedures, sanctioning procedures, and related provisions to better support university needs and to better comply with Title IX and the Violence against Women Act.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

Statute Being Implemented: Not applicable.

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

Name of Agency Personnel Responsible for Drafting: Trent Lutey, 214 Showalter, Cheney, WA 99004, (509) 359-

6322; Implementation and Enforcement: Laurie Connelly, 214 Showalter, Cheney, WA 99004, (509) 359-2371.

No small business economic impact statement has been prepared under chapter 19.85 RCW. WAC revision does not impose a disproportionate impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Chapter 172-121 WAC is not considered a significant legislative rule by Eastern Washington University.

October 6, 2015

Trent Lutey
University Policy Administrator

AMENDATORY SECTION (Amending WSR 13-24-123, filed 12/4/13, effective 1/4/14)

WAC 172-121-020 Definitions. For purposes of the student conduct code, chapter 172-121 WAC, the definitions in this section apply.

"Accused" refers to any student or student organization that is accused of violating the student conduct code under this chapter.

"Appeal authority" refers to the conduct review official presiding over an appeal under WAC 172-121-130.

"Appellant" refers to any accused or complainant who appeals the decisions or sanctions of a hearing authority under WAC 172-121-130.

"Business days" refers to the days and hours the university is open for business. Business days are Monday through Friday, from 8:00 a.m. to 5:00 p.m., excluding holidays as set forth in the university holiday schedule.

"Complainant" means any person who files a complaint alleging that a student or student organization violated the standards of conduct for students. Complainant also refers to the university when the university files the complaint.

"Council" or "the council" refers to the student disciplinary council as described in WAC 172-121-070.

"Council hearing" refers to a conduct review hearing before the student disciplinary council.

"Dean of students" refers to the dean of students or a designee of the dean of students.

"Director of SRR" refers to the director of student rights and responsibilities, or designated representative.

"Harassment" encompasses harassment, sexual harassment, gender-based harassment, and stalking for the purposes of WAC 172-121-030 through 172-121-140. These terms are further defined in WAC 172-121-200.

"Hearing authority" refers to the university official or student disciplinary council who holds a conduct review hearing.

"Notify" means to provide notice to a person. A person may be notified in person, by telephone, by sending notice to the person's university e-mail account, by leaving a message on his or her personal telephone, or by sending the notice in the United States mail, properly addressed, postage prepaid, to the person's last known address.

"Off-campus" refers to any location or facility that is not owned, leased, rented, or operated by Eastern Washington University.

"Policies" or "university policy" refers to the written regulations of the university, including the standards of conduct

for students, residence life handbook, university policies, and graduate/undergraduate catalogs and handbooks.

"Recognized student organizations" refers to clubs, organizations, societies or similarly organized groups recognized by the university or the associated students of Eastern Washington University (ASEWU).

"Serve" means to post a document in the United States mail, properly addressed, postage prepaid, to a person's last known address, personal service, or electronic service to the person's university e-mail account.

"Session council" refers to the student disciplinary council members selected for a specific hearing or appeal.

"Sexual misconduct" encompasses domestic violence, (~~(dating)~~) relationship violence, and acts of sexual violence for the purposes of WAC 172-121-030 through 172-121-140. These terms are further defined in WAC 172-121-200.

"Student" includes all of the following:

(a) Any applicant who becomes enrolled, for violations of the code committed as part of the application process or committed following the applicant's submission of the application until the time of official enrollment;

(b) Any person currently enrolled at the university;

(c) Nonmatriculated, international students attending institutes or foreign study programs through the university; and

(d) Any person who was previously enrolled at the university for violations of the code committed while enrolled. A person who engaged in conduct in violation of the student conduct code while a student remains subject to action under this code even if the person has graduated, withdrawn, or is not currently enrolled for any reason.

"Summary hearing" refers to a conduct review hearing before the conduct review officer.

"University" means Eastern Washington University.

"University official" includes any person employed or contracted by the university, performing assigned administrative or professional responsibilities.

"University premises" means buildings and/or property (including adjacent streets and sidewalks) which are owned, leased, rented or operated by the university, to include all satellite campuses affiliated with the university.

"University president" refers to the university president or a designee of the university president.

"Vice-president for student affairs" refers to the vice-president for student affairs or their designated representative.

AMENDATORY SECTION (Amending WSR 13-24-123, filed 12/4/13, effective 1/4/14)

WAC 172-121-060 Notification of criminal arrest. A student is responsible for (~~(notifying)~~) informing the university of any off-campus arrest.

When student rights and responsibilities (SRR) is informed of the arrest of a student, the university may send a letter to the student requiring that he or she make an appointment for an interview with the SRR. During this interview, the director of SRR shall discuss with the student:

(1) The facts involved in the student's arrest;

(2) The student's obligation to keep the university informed of the progress of any criminal charge(s); and

(3) The student's obligation to advise the university of the final disposition of any criminal charge(s).

The university will cooperate with law enforcement and other agencies administering a corrective or rehabilitative program for the student.

AMENDATORY SECTION (Amending WSR 13-24-123, filed 12/4/13, effective 1/4/14)

WAC 172-121-070 Conduct review officials. (1) The director of SRR shall:

(a) Serve as the primary point of contact for all matters relating to student conduct code violations and proceedings;

(b) Manage the proceedings as described in this chapter;

(c) Maintain all records of conduct review proceedings as described in WAC 172-121-080;

(d) Ensure complaints of harassment or sexual misconduct involving students are promptly investigated and resolved as required by federal and state laws.

(2) Conduct review officer: The university president shall designate one or more conduct review officers. The director of OSRR may be designated as a conduct review officer. The conduct review officer(s) shall:

(a) Preside over conduct review proceedings under this chapter; and

(b) Review off-campus incidents of alleged misconduct and make determinations as to whether the conduct involved adversely affects the university community and/or the pursuit of its objectives.

(3) Student disciplinary council: The student disciplinary council hears cases of student conduct code violations as described in WAC 172-121-120. The council also serves as an appeal authority under WAC 172-121-130.

(a) Council pool: For each academic year, a pool of council members shall be established. Appointment of council pool members (~~and their terms of service are~~) is as follows:

(i) Faculty (~~(= Three faculty)~~) members shall be selected by the faculty senate for three-year terms;

(ii) Staff (~~(= Three university staff)~~) members shall be appointed by the university president for three-year terms;

(iii) Students (~~(= Six students)~~) shall be appointed by the president of the ASEWU for one-year terms. Student appointments shall be made with the advice and consent of the associated students' legislature, as described in the constitution of the ASEWU. Students holding a position with any of the associated student courts, or who are in any way affiliated with any judicial, quasi-judicial, or advocacy position with the courts of the ASEWU, may not be appointed to the council pool;

(iv) Community members: One or more members of the local community may be appointed by the university president. Community members serve until either the community member or the university president elects to sever the appointment, up to a maximum appointment period of three years. Community members shall be considered school officials while acting in their capacities as community members on the student disciplinary council and shall sign statements

indicating they will comply with the confidentiality requirements of the Family Education Rights and Privacy Act;

(v) Council chair: The director of SRR, or designee, shall serve as chair of council proceedings but will not have the right to vote;

(vi) Vacancies: Council pool vacancies shall be filled as needed by the designated appointing authority.

(b) Session council: When a student disciplinary council is needed for a hearing or an appeal, council members shall be selected from the council pool as follows:

(i) Composition: A session council will typically consist of one nonvoting chair, two student members, and two faculty or staff members. The faculty/staff members may be both faculty, both staff, or one faculty and one staff member. The number of council members may vary, so long as quorum requirements are met. A community member may also serve on a session council, at the discretion of the director of SRR;

(ii) Selection: The director of SRR shall select available members from the council pool to serve as the session council;

(iii) Quorum: A quorum consists of three voting members which must include at least one student and one faculty/staff member.

AMENDATORY SECTION (Amending WSR 13-24-123, filed 12/4/13, effective 1/4/14)

WAC 172-121-100 Complaints. (1) Filing of complaints.

(a) Any person may file a complaint against a student or student organization for violation of the student conduct code.

(b) A person wishing to file a complaint under the student conduct code must submit the complaint, in writing, to one of the following:

(i) Student rights and responsibilities; or

(ii) The office of the dean of students.

(c) Filing a complaint under the student conduct code does not prohibit or limit a person's right to file complaints or charges with other civil and/or criminal authorities for violations of local, county, state, or federal law.

(d) All student conduct code complaints will be forwarded to the director of SRR for further review and action.

(e) In cases where the university is acting as the complainant, the director of SRR shall initiate the complaint.

(2) Complaint review. Upon receipt of a complaint, the director of SRR shall review the complaint to determine whether it includes allegations of harassment, sexual misconduct, and/or criminal conduct that will require special processing under subsection (3) of this section and whether appropriate law enforcement or other authorities should be notified.

(3) Special rules for complaints of harassment and/or sexual misconduct. Except where specifically stated, this section applies to all allegations the university receives of harassment and/or sexual misconduct. This section shall apply regardless of where the alleged acts occurred.

(a) Report to Title IX coordinator. The director of SRR shall report all complaints which may constitute any form of

harassment and/or sexual misconduct to the university Title IX coordinator within two business days.

(b) Prompt resolution. The university shall investigate any complaint alleging harassment and/or sexual misconduct when it is legally required to do so to determine if the university will pursue the incident under this student conduct code and/or refer the incident to other departments or agencies for further criminal, civil, or disciplinary action. All allegations of harassment and/or sexual misconduct shall be promptly investigated and resolved. In the absence of extenuating circumstances, the university will seek to have the allegations resolved within sixty days from the date it is notified of the allegation.

(c) Confidentiality. To facilitate the investigative process and protect the privacy of those involved, all information will be maintained in a confidential manner to the fullest extent permissible by law. During an investigation, complaint information will be disseminated on a need-to-know basis. If the complainant or victim wishes to remain anonymous, the university will take all reasonable steps to investigate the allegation without disclosing the name of the complainant to the extent allowed by state and federal law. If the complainant or victim wishes to remain anonymous, the university shall inform them that its ability to investigate and respond to the allegation will be limited. The university cannot ensure confidentiality, as its legal obligations under federal or state law may require investigation of the allegation and possible disclosure of the complainant's name. Reports of crimes to the campus community shall not include the names of the complainants or victims. Files subject to public disclosure will be released to the extent required by law.

(d) Right to file a criminal report. Once the university is notified of an allegation of sexual harassment, gender-based harassment, stalking, or any form of sexual misconduct, it will notify the potential victim of their right to file a criminal complaint with campus or local law enforcement. If the victim in such circumstances wishes to report the conduct to local law enforcement, the university will assist them in doing so. The university will also notify the victim that he or she is not required to file a report with local law enforcement. The university will report allegations of harassment or sexual misconduct to law enforcement or other authorities consistent with federal, state, and local law.

(4) Interim measures. During the complaint review, the director of SRR will evaluate the circumstances and recommend to the dean of students if any interim restriction action against the accused is warranted or if any interim measures to assist or protect the complainant and/or victim during the conduct code process are needed. In cases of alleged harassment and/or sexual misconduct, the director of SRR shall, in conjunction with the dean of students and other appropriate university officials, take immediate steps to protect the complainant and/or victim from further harassment prior to completion of the investigation/resolution of the complaint. Appropriate steps may include separating the accused harasser and the complainant/victim, providing counseling for the complainant/victim and/or harasser, and/or taking disciplinary action against the accused.

(5) Inform complainant. As part of the complaint review process, the director of SRR will follow up with the complainant as described below.

(a) For cases other than harassment and/or sexual misconduct, the director of SRR will contact the complainant and provide them with the following information:

(i) The complainant's rights under the student conduct code;

(ii) The allegations which the complainant has against the accused;

(iii) The potential conduct code violations related to the allegations; and

(iv) How to report any subsequent problems or retaliation, including intimidation, threats, coercion, or discrimination.

(b) In all cases alleging harassment or sexual misconduct, the director of SRR will provide the complainant with written ~~((notification))~~ information that will include, at a minimum:

(i) The student's rights and options, including options to avoid contact with the respondent~~((:))~~; a list of available university and community resources ((to assist the student regarding academic, living, transportation and working situations, and possible protective measures they can take;)) for counseling, health, mental health, victim advocacy, legal assistance, student financial aid, and other academic and housing services; and options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures.

(ii) The importance of preserving evidence of the alleged incident and procedures to follow to preserve evidence of the alleged incident;

(iii) Who will receive a report of the allegation;

(iv) Their right to file or not file a criminal complaint as detailed above and the ability to be assisted by campus authorities in notifying law enforcement authorities if the complainant wishes to do so;

(v) A list of resources for obtaining protective, no contact, restraining, or similar orders, if applicable;

(vi) The procedures the university will follow when determining if discipline is appropriate;

(vii) Steps the university will take to ensure confidentiality of complainants and other necessary parties and the limits this may place on the university's ability to investigate and respond, as set forth above; and

(viii) Information regarding the university's policy against retaliation, steps the university will take to prevent and respond to any retaliation, and how the student should report retaliation or new incidents.

(6) Following the complaint review, the director of SRR will either dismiss the matter or arrange a preliminary conference.

(a) Dismiss the matter. If the director of SRR believes that there is insufficient justification or insufficient evidence to pursue conduct review proceedings against the accused, he/she may dismiss the matter. In such cases, the director of SRR will prepare a written record of the dismissal. The director of SRR will also notify the complainant of their decision, if such notification is appropriate and feasible. The dismissal letter, along with the original complaint and any other related

documents, will be maintained as described in WAC 172-121-080. In cases of harassment and/or sexual misconduct, the complainant/victim may request a review of the dismissal by the dean of students.

(b) Preliminary conference. If the director of OSRR does not dismiss the matter he/she will arrange a preliminary conference as described in WAC 172-121-110.

AMENDATORY SECTION (Amending WSR 13-24-123, filed 12/4/13, effective 1/4/14)

WAC 172-121-120 Hearings. The provisions of subsections (1) through (8) of this section apply to both summary hearings and to council hearings.

(1) General provisions.

(a) Hearing authority: The hearing authority exercises control over hearing proceedings. All procedural questions are subject to the final decision of the hearing authority.

(b) Closed hearings: All conduct review hearings will be closed. Admission of any person to a conduct review hearing shall be at the discretion of the hearing authority.

(c) Consolidation of hearings: In the event that one or more students are charged with the same misconduct arising from the same occurrence, the hearing authority may conduct separate hearings for each student or consolidate the hearings as practical, as long as consolidation does not impinge on the rights of any student.

(2) Appearance.

(a) Failure to appear: In cases where proper notice has been given but the accused fails to attend a conduct review hearing, the hearing authority shall decide the case based on the information available, without the accused's input.

(b) Complainant's appearance: The complainant will be provided options for reasonable alternative arrangements if they do not wish to be present in the same room as the accused student during the hearing. The complainant may appear at the conduct review hearing in person, through telephone conference, or through any other practical means of communication, so long as the complainant's identity can be reasonably established.

(c) Advisors: The complainant and the accused may be assisted by an advisor during conduct review hearings as described in WAC 172-121-090.

(d) Disruption of proceedings: Any person, including the accused, who disrupts a hearing, may be excluded from the proceedings.

(e) Telephonic appearance. In the interest of fairness and expedience, the hearing authority may permit any person to appear by telephone, audio tape, written statement, or other means, as appropriate.

(3) Evidence.

(a) Evidence: Pertinent records, exhibits and written statements may be accepted as information for consideration by the hearing authority. However, hearing authorities are not bound by the rules of evidence observed by courts. The hearing authority may exclude incompetent, irrelevant, immaterial or unduly repetitious material.

(b) The accused, and, in cases of sexual harassment or sexual misconduct, the complainant and/or victim, have the

right to view all material presented during the course of the hearing.

(4) Standard of proof. The hearing authority shall determine whether the accused violated the student conduct code, as charged, based on a preponderance of the evidence. A preponderance means, based on the evidence admitted, whether it is more probable than not that the accused violated the student conduct code.

(5) Sanctions. In determining what sanctions shall be imposed, the hearing authority may consider the evidence presented at the hearing as well as any information contained in the student's disciplinary and academic records. If a student fails to appear for a hearing, then the hearing authority shall review the evidence provided and may consider information available from the student's disciplinary and academic records in determining what sanction should be imposed.

(6) Witnesses.

(a) The complainant, victim, accused and hearing authority may present witnesses at council review hearings.

(b) The party who wishes to call a witness is responsible for ensuring that the witness is available and present at the time of the hearing.

(c) The hearing authority may exclude witnesses from the hearing room when they are not testifying. The hearing authority is not required to take the testimony of all witnesses called by the parties if such testimony may be inappropriate, irrelevant, immaterial, or unduly repetitious.

(d) All parties have the right to hear all testimony provided by witnesses during the hearing.

(7) Questioning:

(a) The complainant and the accused may submit questions to be asked of each other or of any witnesses. Questions shall be submitted, in writing, to the hearing authority. The hearing authority may ask such questions, but is not required to do so. The hearing authority may reject any question which it considers inappropriate, irrelevant, immaterial or unduly repetitious. The hearing authority has complete discretion in determining what questions will be asked during the hearing.

(b) During a conduct review hearing, only the hearing authority may pose questions to persons appearing before them.

(c) The hearing authority may ask their own questions of any witness called before them.

(8) The hearing authority may accommodate concerns for personal safety, well-being, or fears of confrontation of any person appearing at the hearing by providing separate facilities, or by permitting participation by telephone, audio tape, written statement, or other means, as determined appropriate.

(9) Summary hearing procedures.

(a) The conduct review officer may hold a summary hearing with the accused only if all of the following conditions are met:

(i) The accused waives his/her right to prior notice about a conduct review hearing;

(ii) The accused requests that the case be heard in a summary hearing with the conduct review officer; and

(iii) The conduct review officer agrees to conduct the summary hearing. The conduct review officer is not obligated

to conduct a summary hearing, but may instead refer the case to the student disciplinary council for a council hearing.

(b) Sexual misconduct cases. Allegations of sexual misconduct may not be resolved through a summary hearing but must be referred for a council hearing, unless the case has been otherwise resolved.

(c) Scheduling. A summary hearing may take place immediately following the preliminary conference or it may be scheduled for a later date or time, except that, in cases of harassment, a summary hearing cannot take place without first notifying the complainant/victim of the hearing. If the summary hearing will be held at a later date or time, the conduct review officer shall schedule the hearing and notify the accused and, in the case of harassment, the complainant/victim of the date, time, and place of the hearing. The conduct review officer may coordinate with the parties to facilitate scheduling, but is not required to do so.

(d) If the accused fails to appear at the summary hearing, the conduct review officer may conduct the summary hearing without the accused present or refer the case to the student disciplinary council for a council hearing under WAC 172-121-110. The conduct review officer may also place a hold on the accused's academic records under WAC 172-121-080.

(e) Deliberation. After the hearing, the conduct review officer shall decide whether the accused violated the student conduct code based on a preponderance of the evidence.

(i) If the conduct review officer determines that there is not sufficient information to establish a violation by a preponderance of evidence, the conduct review officer shall dismiss the complaint.

(ii) If the conduct review officer determines that the accused violated the student conduct code, the conduct review officer shall impose any number of sanctions as described in WAC 172-121-210.

(f) Notification. The conduct review officer shall ~~((notify))~~ serve the accused ~~((, in writing,))~~ with a brief written statement setting forth the outcome of the summary hearing ~~((outcome))~~ and notice of the right to appeal. In the case of sexual harassment, gender-based harassment, or stalking, the victim shall be provided with written notice of: (i) The university's determination as to whether such harassment occurred; (ii) the victim's right to appeal; (iii) any change to the results that occurs prior to the time that such results become final; and when such results become final (20 U.S.C. 1092(f)). Information regarding the discipline of the accused will not be released unless:

(A) The information contained in the record directly relates to the complainant, such as an order requiring the student harasser to not contact the complainant; or

(B) The misconduct involves a crime of violence or a sexual assault, including rape, ~~((dating))~~ relationship violence, domestic violence or stalking as defined in 42 U.S.C. Sec. 13925(a).

(10) Council hearing procedures.

(a) Scheduling and notification. If the conduct review officer has decided to refer the case to the student disciplinary council for a council hearing, the director of SRR shall schedule the hearing and notify the accused with the date, time and location of the hearing. The director of SRR shall also inform the council ~~((, accused,))~~ and notify the complainant/victim of

the date, time, and location of the hearing in writing. The council must receive at least seventy-two hours' notice as to the time and place of the hearing. The conduct review officer may coordinate with the parties to facilitate scheduling, but is not required to do so.

(b) Deliberations and sanctions. Following the hearing, the council shall meet in closed session and, within seven days, determine by majority vote whether, by a preponderance of the evidence, the accused violated the student conduct code. If the council determines the accused violated the student conduct code, the council shall then decide what sanctions shall be imposed. Sanctions shall be decided by majority vote and in closed session.

(c) Notification. The council chair shall forward the council decision to the director of SRR. The director of SRR shall ~~((notify))~~ serve the accused ~~((of))~~ with a brief written statement setting forth the council's decision and notice of the right to appeal. In the case of sexual harassment, gender-based harassment, stalking, or any act of sexual misconduct, the victim shall be provided with written notice of: (i) The university's determination as to whether such harassment/sexual misconduct occurred; (ii) the victim's right to appeal; (iii) any change to the results that occurs prior to the time that such results become final; and when such results become final (20 U.S.C. 1092(f)). Information regarding the discipline of the accused will not be released unless:

(A) The information contained in the record directly relates to the complainant, such as an order requiring the student harasser to not contact the complainant; or

(B) The misconduct involves a crime of violence or a sexual assault, including rape, ~~((dating))~~ relationship violence, domestic violence or stalking as defined in 42 U.S.C. Sec. 13925(a).

AMENDATORY SECTION (Amending WSR 13-24-123, filed 12/4/13, effective 1/4/14)

WAC 172-121-130 Appeals. (1) Basis: Appeals may be filed by the accused or the complainant. In cases of harassment and/or sexual misconduct, the victim may also file an appeal. Appeals may be filed for one or more of the following reasons:

(a) To determine whether the hearing was conducted according to established procedures. A hearing may have deviated from established procedures if:

(i) The hearing was not conducted fairly in light of the charges and information presented;

(ii) The complainant was not given a reasonable opportunity to prepare and to present information as provided by the student conduct code;

(iii) The accused was not given a reasonable opportunity to prepare and to present a response as provided by the student conduct code.

(b) The hearing authority misinterpreted the student conduct code.

(c) To determine whether the decision reached by the hearing authority was based on the information presented and that that information was sufficient to reasonably establish that a violation of the conduct code did or did not occur based on a preponderance of the evidence.

(d) To determine whether the sanction(s) imposed were reasonable and appropriate for the associated conduct code violation(s).

(e) To consider newly discovered, material information which was not known to the appellant and could not reasonably have been discovered and presented by the appellant at the original hearing. It is the party's obligation to present all evidence at the time of the original hearing. The university is not obligated to grant an appeal and conduct a new hearing when parties do not take reasonable efforts to prepare their cases for the original hearing.

(2) Filing: Appeals may be filed following a conduct review hearing, subject to the following provisions:

(a) The appeal must be submitted to the director of student rights and responsibilities within ~~((five business))~~ twenty-one days ((of receipt of the)) from service of the council's decision;

(b) The appeal shall be in writing and shall include:

- (i) The appellant's name;
- (ii) The nature of the decision and sanctions reached by the hearing official;
- (iii) The basis, as described in subsection (1) of this section, for the appeal; and
- (iv) What remedy the appellant is seeking.

(3) Appeal authorities:

(a) For summary hearings heard by the conduct review officer, appeals are determined by the student disciplinary council.

(b) For student disciplinary council hearings, appeals are determined by the dean of students.

(4) Forwarding of appeals: The director of SRR shall forward the appeal to the appropriate appeal authority. The submitted appeal will include, at a minimum, the appellant's written appeal and the written report of the case. The director of SRR may also forward any other written records related to the case.

(5) Review of appeals:

(a) Before rendering a decision, the appeal authority may request additional information or explanation from any of the parties to the proceedings.

(b) Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the conduct review hearing and supporting documents.

(c) In making its decision, the appeal authority will only consider the written record before it, the appellant's notice of appeal and other information and/or explanation it has requested from the parties to the proceedings.

(6) Decisions: After reviewing the appeal, the appeal authority may affirm, reverse, or remand the decision(s) of the hearing authority.

(7) Remanded cases: In cases where the appeal authority remands the decision or sanction(s) of the hearing authority, the case will be returned to the hearing authority for reconsideration or other action as specified by the appeal authority. Following such reconsideration, the hearing authority will return the case to the appeal authority for further review/action. The appeal authority will then complete the appeal process or remand the case again. No appeal may, however, be remanded more than two times. After a case has been

remanded twice, the appeal authority must affirm or reverse the decision and affirm, reverse, or modify the sanctions.

(8) Sanctions: The appeal authority may affirm, reverse, remand, or modify the sanctions assigned to the accused. When determining sanctions, the appeal authority may consider the complete record of the accused's prior conduct and academic performance in addition to all other information associated with the case.

(9) Notification: Once the appeal authority has made a final decision to affirm or reverse and/or to modify the sanctions assigned, the appeal authority shall forward the decision to the director of SRR. The director of SRR shall ~~((notify, in writing,))~~ serve the accused, and, in cases of harassment or sexual misconduct, notify the complainant and victim, ~~((of))~~ with a brief written statement setting forth the outcome of the appeal.

(10) Further proceedings. The appeal authority's decision is final and no further appeals may be made under the student conduct code.

(11) Appeals standards:

(a) Appeal authorities must weigh all pertinent information presented to them in determining whether sufficient evidence exists to support reversal or modification of decisions or sanctions.

(b) For appeals based on a deviation from established procedures, such deviations will not be a basis for sustaining an appeal unless the alleged deviation materially changed the outcome of the case or the sanctions imposed.

AMENDATORY SECTION (Amending WSR 13-24-123, filed 12/4/13, effective 1/4/14)

WAC 172-121-140 Interim restriction. In situations where there is cause to believe that a student or a student organization endangers the health, safety, or welfare of themselves, the university community, or property of the university community, the dean of students may take immediate action(s) against the student or student organization without prior notice or hearing.

Simultaneous with such action(s), the dean of students will refer the charges to the conduct review officer, who will process such charges in accordance with the provisions of this student conduct code.

Interim restriction is subject to the following:

(1) Interim restriction actions may only be imposed in the following situations:

(a) When a student or student organization poses an immediate threat to:

- (i) The health, safety or welfare of any part of the university community or public at large;
- (ii) The student's own physical safety and well-being; or
- (iii) Any property of the university community;

(b) When it is believed that the student's or student organization's continued attendance or presence may cause disorder, substantially interfere with or impede the lawful activities of others, or imperil the physical or mental health and safety of members of the university community; or

(c) When a student is undergoing criminal proceedings for any felony charge.

(2) During the interim restriction period, a student may be restricted by any or all of the following means:

(a) Denial of access, including but not limited to: Assignment to alternate university housing or removal from university housing, limitation of access to university facilities, or restriction of communication with specific individuals or groups;

(b) Interim suspension, including temporary total removal from the university or restriction of access to campus;

(c) Mandatory medical/psychological assessment of the student's capability to remain in the university.

(3) The dean of students will determine what restriction(s) will be placed on a student.

(4) All interim restrictions that involve any type of restriction from any university premises will be accomplished by giving a notice against trespass. The notice against trespass may be given by any manner specified in WAC 172-122-200.

(5) The dean of students will prepare a brief memorandum for record containing the reasons for the interim restriction. The dean of students will ~~((forward copies of the memorandum for record by personal delivery or by U.S. mail to the restricted student, student rights and responsibilities,))~~ serve the memorandum on the restricted student and notify all other persons or offices bound by it. At a minimum, the memorandum will state:

(a) The alleged act(s) or behavior(s) of the student or student organization which prompted the interim restriction;

(b) How those alleged act(s) or behavior(s) constitute a violation of the student conduct code; and

(c) How the circumstances of the case necessitated the interim restriction action(s).

(6) In cases alleging sexual harassment, sexual misconduct, domestic violence, relationship violence, and/or stalking, the complainant will be provided with notice of any interim restrictions that relate directly to the complainant.

(7) In all such cases, the student or student organization may appeal the interim restriction to the vice-president for student affairs. In cases alleging sexual harassment, sexual misconduct, domestic violence, relationship violence, and stalking, if an interim restriction is imposed, the complainant may appeal the interim restriction using the process outlined in this subsection (7) through subsection (9) of this section. Also, in such cases, if the respondent appeals, the complainant shall be given notice of the appeal and shall be provided the opportunity to participate in the appeal proceeding. The challenge must be submitted, in writing, within ten business days after the interim restriction action is taken, unless the student requests an extension. Requests for extension will only be granted to review the following issues:

(a) The reliability of the information concerning the student's behavior; and

(b) Whether the student's continued presence or prior or present behavior warrants interim restriction for the causes listed in subsection (1) of this section.

~~((7))~~ (8) As a result of the challenge, the vice-president for student affairs will schedule a meeting with the accused. The vice-president for student affairs may have the dean of students or any other person deemed relevant attend the

meeting. The accused may have an advisor present at the meeting so long as the name of that person is provided to the director of SRR at least two business days prior to the scheduled meeting.

~~((8))~~ (9) During the appeal meeting, the vice-president for student affairs will review available materials and statements. After the meeting, the vice-president for student affairs may uphold, modify, or terminate the interim restriction action.

~~((9))~~ (10) The interim restriction does not replace the regular hearing process, which will proceed consistent with this chapter.

~~((10))~~ (11) Duration. An interim restriction will remain in effect until terminated, in writing, by the student disciplinary council or the vice-president for student affairs.

AMENDATORY SECTION (Amending WSR 15-14-078, filed 6/29/15, effective 7/30/15)

WAC 172-121-200 Violations. The following are defined as offenses which are subject to disciplinary action by the university.

(1) Acts of academic dishonesty. University policy regarding academic dishonesty is governed by the university academic integrity policy.

(2) Acts of social misconduct.

(a) Abuse. Physical abuse, verbal abuse, and/or other conduct which threatens or endangers the health or safety of any person.

(b) Bullying. Bullying is behavior that is:

(i) Intentional;

(ii) Targeted at an individual or group;

(iii) Repeated;

(iv) Objectively hostile or offensive; and

(v) Creates an intimidating and/or threatening environment which produces a risk of psychological and/or physical harm.

(c) Domestic violence and ~~((dating))~~ relationship violence.

(i) Domestic violence means:

(A) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members;

(B) Sexual assault of one family or household member by another; or

(C) Stalking of one family or household member by another family or household member.

(ii) ~~((Dating))~~ Relationship violence is a type of domestic violence, except the acts specified above are committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. In determining whether such a relationship exists, the following factors are considered:

(A) The length of time the relationship has existed;

(B) The nature of the relationship; and

(C) The frequency of interaction between the parties involved in the relationship.

(d) Harassment, gender-based harassment, and sexual harassment.

(i) Harassment is conduct by any means that is sufficiently severe, pervasive, or persistent, and objectively offensive so as to threaten an individual or limit the individual's ability to work, study, participate in, or benefit from the university's programs or activities.

(ii) Gender-based harassment includes nonsexual acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on a person's gender or nonconformity with gender stereotypes. Gender-based harassment violates this code and Title IX when it is sufficiently severe, pervasive, or persistent such that it denies or limits another's ability to work, study, participate in, or benefit from the university's programs or activities.

(iii) Sexual harassment is unwelcome conduct of a sexual nature and may include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment violates this code and Title IX when it is sufficiently severe, pervasive, or persistent such that it denies or limits another's ability to work, study, participate in, or benefit from the university's programs or activities.

In determining whether any of the above-listed types of harassment are severe, pervasive, or persistent, the university shall consider all relevant circumstances from both an objective and subjective perspective, including the type of harassment (verbal or physical); the frequency and severity of the conduct; the age, sex, and relationship of the individuals involved; the degree to which the conduct affected the victim; the setting and context in which the harassment occurred; whether other incidents have occurred at the university; and other relevant factors.

(e) Retaliation. Any actual or threatened retaliation or any act of intimidation intended to prevent or otherwise obstruct the reporting of a violation of this code is prohibited and is a separate violation of this code. Any actual or threatened retaliation or act of intimidation directed towards a person who participates in an investigation or disciplinary process under this code is prohibited and is a separate violation of this code.

(f) Sexual misconduct. Sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion, are types of sexual misconduct. Sexual violence is sexual intercourse or sexual contact with a person without his or her consent or when the person is incapable of giving consent. Consent means actual words or conduct indicating freely given agreement to the sexual act. Consent cannot be inferred from silence, passivity, or lack of active resistance. There is no consent where there is a threat of force or violence or any other form of coercion or intimidation, physical or psychological. Sexual activity is nonconsensual when the victim is incapable of consent by reason of mental incapacity, drug/alcohol use, illness, unconsciousness, or physical condition. Sexual misconduct also includes, but is not limited to, indecent liberties, indecent exposure, sexual exhibitionism, sex-based cyber-harassment, prostitution or the solicitation of a prostitute, peeping or other voyeurism, or going beyond the boundaries of consent, such as by allowing others to view consensual sex or the nonconsensual recording of sexual activity.

(g) Stalking. Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(i) Fear for their health and/or safety or the health/safety of others; or

(ii) Suffer substantial emotional distress.

(h) Unauthorized use of electronic or other devices: Making an audio or video recording of any person while on university premises without the person's prior knowledge or without their effective consent, when such a recording is of a private conversation or of images taken of a person(s) at a time and place where the person would reasonably expect privacy and where such recordings are likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom, but does not include taking pictures of persons in areas which are considered by the reasonable person to be open to public view.

(3) Property violations. Theft of, damage to, or misuse of another person's or entity's property.

(4) Weapons. Possession, carrying, discharge or other use of any weapon is prohibited on property owned or controlled by Eastern Washington University, except as permitted in (a) through (d) of this subsection. Examples of weapons under this section include, but are not limited to: Explosives, chemical weapons, shotguns, rifles, pistols, air guns, BB guns, pellet guns, longbows, hunting bows, throwing weapons, stun guns, electroshock weapons, and any item that can be used as an object of intimidation and/or threat, such as replica or look-a-like weapons.

(a) Commissioned law enforcement officers may carry weapons, which have been issued by their respective law enforcement agencies, while on campus or other university controlled property, including residence halls. Law enforcement officers must (~~notify~~) inform the university police of their presence on campus upon arrival.

(b) A person may possess a personal protection spray device, as authorized by RCW 9.91.160, while on property owned or controlled by Eastern Washington University.

(c) A person may bring a weapon onto campus for display or demonstration purposes directly related to a class or other educational activity, provided that they obtain prior authorization from the university police department. The university police department shall review any such request and may establish conditions to the authorization.

(d) Weapons that are owned by the institution for use in organized recreational activities or by special groups, such as EWU ROTC or university-sponsored clubs or teams, must be stored in a location approved by the university police department. These weapons must be checked out by the advisor or coach and are to be used only in organized recreational activities or by legitimate members of the club or team in the normal course of the club or team's related activity.

(5) Failure to comply.

(a) Failure to comply with lawful and/or reasonable directions of university officials or law enforcement officers acting in performance of their duties on campus or affecting conduct on campus;

(b) Failure to identify oneself to university officials in their course of duty, refusal or failure to appear before university officials or disciplinary bodies when directed to do so;

(c) Failure to attend any medical treatment or evaluation program when directed to do so by the dean of students or other authorized university official.

(6) Trespassing/unauthorized use of keys.

(a) Trespass. Entering or remaining on university property without authorization.

(b) Unauthorized use of keys. Unauthorized possession, duplication, or use of university keys or access cards.

(7) Deception, forgery, fraud, unauthorized representation.

(a) Knowingly furnishing false information to the university.

(b) Forgery, alteration, or misuse of university documents, records, or instruments of identification. This includes situations of identity theft where a person knowingly uses or transfers another person's identification for any purpose.

(c) Forgery or issuing a bad check with intent to defraud.

(d) Unauthorized representation. The unauthorized use of the name of the university or the names of members or organizations in the university community.

(8) Safety.

(a) Intentionally activating a false fire alarm.

(b) Making a bomb threat.

(c) Tampering with fire extinguishers, alarms, or safety equipment.

(d) Tampering with elevator controls and/or equipment.

(e) Failure to evacuate during a fire, fire drill, or false alarm.

(9) Alcohol, drugs, and controlled substances.

(a) Alcohol and substance violations. Use, possession, distribution, or sale of alcoholic beverages (except as permitted by university policy and state law) is prohibited. Under no circumstances may individuals under the age of twenty-one use, possess, distribute, manufacture or sell alcoholic beverages. Public intoxication is prohibited.

(b) Drugs and paraphernalia.

(i) Use, possession, distribution, manufacture, or sale of marijuana, drug paraphernalia and/or illegal drugs, narcotics or controlled substances, is prohibited.

(ii) Being under the influence of marijuana or an illegal substance, while on property owned or operated by the university, is prohibited. Being under the influence of a controlled substance, except when legally prescribed by a licensed medical practitioner, is also prohibited while on property owned or operated by the university.

(10) Hazing. Any act which, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization:

(a) Endangers the mental or physical health or safety of any student or other person;

(b) Destroys or removes public or private property; or

(c) Compels an individual to participate in any activity which is illegal or contrary to university rules, regulations or policies.

The express or implied consent of any participant is not a defense. A person who is apathetic or acquiesces in the presence of hazing violates this rule.

(11) Disruptive conduct/obstruction.

(a) Disruptive conduct. Conduct which unreasonably interferes with any person's ability to work or study, or obstructs university operations or campus activities.

(b) Disorderly conduct. Conduct that is disorderly, lewd, indecent or a breach of peace.

(c) Obstruction. Obstruction of the free flow of pedestrian or vehicular traffic on university premises or at university-sponsored or university-supervised events.

(d) Demonstration. Participation in a campus demonstration which violates university regulations.

(12) Violations of other laws, regulations and policies.

(a) Violation of a local, county, state, or federal law.

(b) Violation of other university policies, regulations, or handbook provisions.

(13) Assisting/attempts. Soliciting, aiding, abetting, concealing, or attempting conduct in violation of this code.

(14) Acts against the administration of this code.

(a) Initiation of a complaint or charge knowing that the charge was false or with reckless disregard of its truth.

(b) Interference with or attempt to interfere with the enforcement of this code, including but not limited to, intimidation or bribery of hearing participants, acceptance of bribes, dishonesty, or disruption of proceedings and hearings held under this code.

(c) Knowing violation of the terms of any disciplinary sanction or attached conditions imposed in accordance with this code.

(15) Other responsibilities:

(a) Guests. A student, student group or student organization is responsible for the conduct of guests on or in university property and at functions sponsored by the university or sponsored by any recognized university organization.

(b) Students studying abroad. Students who participate in any university sponsored or sanctioned foreign country study program shall observe the following rules and regulations:

(i) The laws of the host country;

(ii) The academic and disciplinary regulations of the educational institution or residential housing program where the student is studying;

(iii) Any other agreements related to the student's study program in the foreign country; and

(iv) The student conduct code.

(16) Student organization and/or group offenses. Clubs, organizations, societies or similarly organized groups in or recognized by the university and/or ASEWU are subject to the same standards as are individuals in the university community. The commission of any of the offenses in this section by such groups or the knowing failure of any organized group to exercise preventive measures relative to violations of the code by their members shall constitute a group offense.

AMENDATORY SECTION (Amending WSR 13-24-123, filed 12/4/13, effective 1/4/14)

WAC 172-121-210 Sanctions. If any student or student organization is found to have committed any of the offenses described in WAC 172-121-200, one or more of the ~~((following))~~ sanctions described in this section may be imposed

against the student or student organization. Imposed sanctions are effective as of the date the council issues its decision unless the decision specifically identifies an alternative date. Failure to comply with any imposed sanction may result in additional sanctions.

(1) Individual student sanctions:

(a) Admonition: An oral statement to a student that he/she has violated university rules and regulations.

(b) Warning: A notice to the student or student organization that they have violated the standards for student conduct and that any repeated or continuing violation of the same standard, within a specified period of time, may result in more severe disciplinary action. A warning may be verbal or written.

(c) Censure: A written reprimand for violation of specified regulations. A censure will also state that more severe disciplinary sanctions may be imposed if the student or student organization is found in violation of any regulation within a stated period of time

(d) Disciplinary probation: A formal action which places one or more conditions, for a specified period of time, on the student's continued attendance. Disciplinary probation sanctions will be executed in writing and will specify the probationary conditions and the period of the probation. A disciplinary probation notice will also inform the student that any further misconduct will automatically involve consideration of suspension. Probationary conditions may include, but are not limited to:

(i) Restricting the student's university-related privileges;

(ii) Limiting the student's participation in extra-curricular activities; and/or

(iii) Enforcing a "no contact" order which would prohibit direct or indirect physical and/or verbal contact with specific individuals or groups.

(e) Restitution: Reimbursement to the university or others for damage, destruction, or other loss of property suffered as a result of theft or negligence. Restitution also includes reimbursement for medical expenses incurred due to conduct code violations. Restitution may take the form of appropriate service or other compensation. Failure to fulfill restitution requirements will result in cancellation of the student's registration and will prevent the student from future registration until restitution conditions are satisfied.

(f) Fines: The university conduct review officer and the student disciplinary council may assess monetary fines up to a maximum of four hundred dollars against individual students for violation of university rules or regulations or for failure to comply with university standards of conduct. Failure to promptly pay such fines will prevent the student from future registration. Failure to pay may also result in additional sanctions.

(g) Discretionary sanctions: Work assignments, service to the university community or other related discretionary assignments for a specified period of time as directed by the hearing authority.

(h) Loss of financial aid: In accordance with RCW 28B.30.125, a person who participates in the hazing of another forfeits entitlement to state-funded grants, scholarships or awards for a specified period of time.

(i) Assessment: Referral for drug/alcohol or psychological assessment may be required. Results of the assessment may lead to the determination that conditions of treatment and further assessment apply to either continued attendance or return after a period of suspension.

(j) Suspension: Exclusion from classes and other privileges or activities for a specified period of time. Suspensions will be executed through a written order of suspension and will state all restrictions imposed by the suspension, as well as the suspension period and what conditions of readmission, if any, are ordered. Suspension is subject to the processes outlined in this chapter except any suspension must also be approved by the dean of students and the vice-president for student affairs before such sanction is imposed.

(k) Expulsion: Permanent separation of the student from the university with no promise (implied or otherwise) that the student may return at any future time. The student will also be barred from university premises. Expulsion actions will be accomplished by issuing both an order of expulsion and a notice against trespass. The notice against trespass may be given by any manner specified in chapter 9A.52 RCW. Expulsion is subject to the processes outlined in this chapter except any expulsion must also be approved by the dean of students and the vice-president of student affairs before such sanction is imposed.

(l) Loss of institutional, financial aid funds: Formal withholding of all or a part of institutional funds currently being received by the student or promised for future disbursement to the student for a specified period of time.

(m) Revocation of degree: A degree awarded by the university may be revoked for fraud, misrepresentation, or other violation of law or university standards. Revocation of a degree is subject to processes outlined in this chapter except that revocation of a degree must also be approved by the university president.

(2) Student organizations and/or group sanctions: Any of the above sanctions may be imposed in addition to those listed below:

(a) Probation: Formal action placing conditions on the group's continued recognition by or permission to function at the university. The probationary conditions will apply for a specified period of time. Violation of the conditions of probation or additional violations while under probation may result in more severe sanctions;

(b) Social probation: Prohibition of the group from sponsoring any organized social activity, party or function, or from obtaining a permission for the use of alcoholic beverages at social functions for a specified period of time;

(c) Restriction: The temporary withdrawal of university or ASEWU recognition for a group, club, society or other organization. Restriction is subject to the processes outlined in this chapter except any restriction must also be approved by the dean of students and the vice-president of student affairs before such sanction is imposed;

(d) Revocation: The permanent withdrawal of university or ASEWU recognition for a group, club, society or other organization. Revocation is subject to the processes outlined in this chapter except any revocation must also be approved by the dean of students and the vice-president of student affairs before such sanction is imposed;

(e) Additional sanctions: In addition to or separately from the above, any one or a combination of the following may be concurrently imposed on the group:

- (i) Exclusion from intramural competition as a group;
- (ii) Denial of use of university facilities for meetings, events, etc.;
- (iii) Restitution; and/or
- (iv) Fines.

WSR 15-20-097
PROPOSED RULES
BOARD OF
PILOTAGE COMMISSIONERS

[Filed October 6, 2015, 9:43 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: WAC 363-116-185 Pilotage rates for the Grays Harbor pilotage district.

Hearing Location(s): 2901 Third Avenue, 1st Floor, Agate Conference Room, Seattle, WA 98121, on November 19, 2015, at 9:30 a.m.

Date of Intended Adoption: November 19, 2015.

Submit Written Comments to: Captain Harry Dudley, Chairman, 2901 Third Avenue, Suite 500, Seattle, WA 98121, e-mail larsonp@wsdot.wa.gov, fax (206) 515-3906, by November 12, 2015.

Assistance for Persons with Disabilities: Contact Shawna Erickson by November 16, 2015, (206) 515-3647.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to establish a 2016 Grays Harbor pilotage district annual tariff.

The proposal as detailed calls for adjustments within a range of 0.0 percent to an increase of 7.0 percent in all tariff categories, except as specified below:

Pension Charge: An increase from \$403 to \$463*.

Travel Allowance: Remains at \$105 per assignment.

*As the administrator of Grays Harbor pension funds for retired Grays Harbor pilots, Puget Sound pilots provides this calculation.

Reasons Supporting Proposal: RCW 88.16.035 requires that a tariff be set annually.

Statutory Authority for Adoption: Chapter 88.16 RCW.

Statute Being Implemented: RCW 88.16.035.

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: Current rates for the Grays Harbor pilotage district expire on December 31, 2015. New rates must be set accordingly.

All requirements necessary to amend the existing Grays Harbor pilotage district tariff as set forth in chapter 53.08 RCW have been met.

The board may adopt a rule that varies from the proposed rule upon consideration of presentations and written comments from the public and any other interested parties.

Name of Proponent: Port of Grays Harbor, public.

Name of Agency Personnel Responsible for Drafting: Peggy Larson, 2901 Third Avenue, Seattle, WA 98121, (206) 515-3904; Implementation and Enforcement: Board of Pilotage Commissioners, 2901 Third Avenue, Seattle, WA 98121, (206) 515-3904.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule is being considered in the context of the required annual review of the rates charged for pilotage services.

The application of the proposed revisions is clear in the description of the proposal and its anticipated effects as well as the proposed tariff shown below.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to the adoption of these rules. The Washington state board of pilotage commissioners is not a listed agency in RCW 34.05.328 (5)(a)(i).

October 6, 2015

Peggy Larson

Executive Director

AMENDATORY SECTION (Amending WSR 14-23-021, filed 11/7/14, effective 1/1/15)

WAC 363-116-185 Pilotage rates for the Grays Harbor pilotage district. Effective 0001 hours January 1, (~~2015~~) 2016, through 2400 hours December 31, (~~2015~~) 2016.

CLASSIFICATION	RATE
Charges for piloting of vessels in the inland waters and tributaries of Grays Harbor shall consist of the following:	
Draft and Tonnage Charges:	
Each vessel shall be charged according to its draft and tonnage for each vessel movement inbound to the Grays Harbor pilotage district, and for each movement outbound from the district.	
Draft	\$110.55 <u>to \$118.29</u> per meter or \$33.69 <u>to \$36.05</u> per foot
Tonnage	\$0.316 <u>to \$0.338</u> per net registered ton
Minimum Net Registered Tonnage	\$1,108.00 <u>to \$1,186.00</u>

CLASSIFICATION	RATE
Extra Vessel (in case of tow)	\$621.00 to <u>\$664.00</u>
<p>Provided that, due to unique circumstances in the Grays Harbor pilotage district, vessels that call, and load or discharge cargo, at Port of Grays Harbor Terminal No. 2 shall be charged \$6,141.00 to <u>\$6,571.00</u> per movement for each vessel movement inbound to the district for vessels that go directly to Terminal No. 2, or that go to anchor and then go directly to Terminal No. 2, or because Terminal No. 2 is not available upon arrival that go to layberth at Terminal No. 4 (without loading or discharging cargo) and then go directly to Terminal No. 2, and for each vessel movement outbound from the district from Terminal No. 2, and that this charge shall be in lieu of only the draft and tonnage charges listed above.</p>	
Boarding Charge:	
Per each boarding/deboarding from a boat or helicopter	\$1,050.00 to <u>\$1,124.00</u>
Harbor Shifts:	
For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage	\$772.00 to <u>\$826.00</u>
Delays per hour	\$182.00 to <u>\$195.00</u>
Cancellation charge (pilot only)	\$303.00 to <u>\$324.00</u>
Cancellation charge (boat or helicopter only)	\$908.00 to <u>\$972.00</u>
Two Pilots Required:	
<p>When two pilots are employed for a single vessel transit, the second pilot charge shall include the harbor shift charge of \$772.00 to <u>\$826.00</u> and in addition, when a bridge is transited the bridge transit charge of \$333.00 to <u>\$356.00</u> shall apply.</p>	
Pension Charge:	
Charge per pilotage assignment, including cancellations	\$((403.00)) <u>463.00</u>
Travel Allowance:	
Transportation charge per assignment	\$105.00
<p>Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid \$1,023.00 to <u>\$1,095.00</u> for each day or fraction thereof, and the travel expense incurred.</p>	
Bridge Transit:	
Charge for each bridge transited	\$333.00 to <u>\$356.00</u>
Additional surcharge for each bridge transited for vessels in excess of 27.5 meters in beam	\$910.00 to <u>\$974.00</u>
Miscellaneous:	
<p>The balance of amounts due for pilotage rates not paid within 30 days of invoice will be assessed at 1 1/2% per month late charge.</p>	

WSR 15-20-104**PROPOSED RULES****HEALTH CARE AUTHORITY**

(Washington Apple Health)

[Filed October 6, 2015, 11:19 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-05-024.

Title of Rule and Other Identifying Information: Chapter 182-538 WAC, Managed care.

Hearing Location(s): Health Care Authority (HCA), Cherry Street Plaza Building, Sue Crystal Conference Room 106A, 626 8th Avenue, Olympia, WA 98504 (metered public parking is available street side around building. A map is available at http://www.hca.wa.gov/documents/directions_

to_csp.pdf or directions can be obtained by calling (360) 725-1000), on November 10, 2015, at 10:00 a.m.

Date of Intended Adoption: Not sooner than November 11, 2015.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 45504, Olympia, WA 98504-5504, delivery 626 8th Avenue, Olympia, WA 98504, e-mail arc@hca.wa.gov, fax (360) 586-9727, by 5:00 p.m. on November 10, 2015.

Assistance for Persons with Disabilities: Contact Amber Loughheed by November 7, 2015, e-mail amber.loughheed@hca.wa.gov or (360) 725-1349, TTY (800) 848-5429 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In this WAC chapter, the agency:

- Removed references to programs that no longer exist.
- Corrected outdated program names.

- Updated citations.
- Restructured sections to improve readability.
- Changed section titles.
- Made style and editorial changes.
- Made changes to conform with federal regulations and the agency's managed care contracts.
- Wrote a new section regarding the Washington apple health foster care program.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Sean Sullivan, P.O. Box 42716, Olympia, WA 98504-2716, (360) 725-1344; Implementation and Enforcement: Alison Robbins, P.O. Box 42716, Olympia, WA 98504-2001 [98504-2716], (360) 725-1634.

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

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

October 6, 2015
Wendy Barcus
Rules Coordinator

NEW SECTION

WAC 182-538-040 Introduction. This chapter governs Washington apple health managed care under the medicaid agency's managed care contracts. Washington apple health managed care services are available through either a managed care organization (MCO) or primary care case management (PCCM) provider.

AMENDATORY SECTION (Amending WSR 13-02-010, filed 12/19/12, effective 2/1/13)

WAC 182-538-050 Definitions. The following definitions and abbreviations and those found in chapter 182-500 WAC, Medical definitions, apply to this chapter. References to managed care in this chapter do not apply to mental health managed care administered under chapter 388-865 WAC.

"Action" means one or more of the following:

- ~~((1))~~ ~~(a)~~ The denial or limited authorization of a requested service, including the type or level of service;
- ~~((2))~~ ~~(b)~~ The reduction, suspension, or termination of a previously authorized service;
- ~~((3))~~ ~~(c)~~ The denial, in whole or in part, of payment for a service;
- ~~((4))~~ ~~(d)~~ The failure to provide services in a timely manner, as defined by the state; or

~~((5))~~ ~~(e)~~ The failure of a managed care organization (MCO) to act within the time frames provided in 42 C.F.R. 438.408(b).

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

~~("Ancillary health services" means health care services that are auxiliary, accessory, or secondary to a primary health care service.)~~

"Appeal" means a request by an enrollee or provider with written permission of an enrollee for reconsideration of an action.

"Apple health foster care (AHFC)" means the managed care program developed by the agency and the department of social and health services to serve children and youth in foster care and adoption support and young adult alumni of the foster care program.

"Assign" or "assignment" means the agency selects an MCO ~~((or primary care case management (PCCM) provider))~~ to serve a client who has not selected an MCO ~~((or PCCM provider)).~~

"Auto enrollment" means the agency has automatically enrolled a client into an MCO in the client's area of residence.

~~("Basic health" or "BH" means the health care program authorized by chapter 70.47 RCW and administered by the agency.~~

~~"Basic health plus" - Refer to WAC 182-538-065.)~~

"Client" means, for the purposes of this chapter, an individual eligible for any ~~((medical assistance))~~ Washington apple health program, including managed care programs, but who is not enrolled with an MCO or PCCM provider. ~~((In this chapter, "client" refers to a person before he or she is enrolled in managed care, while "enrollee" refers to an individual eligible for any medical assistance program who is enrolled in managed care.))~~

"Disenrollment" - See "end enrollment."

"Emergency medical condition" means a condition meeting the definition in 42 C.F.R. 438.114(a).

"Emergency services" means services defined in 42 C.F.R. 438.114(a).

"End enrollment" means ending the enrollment of an enrollee for one of the reasons outlined in WAC 182-538-130.

"Enrollee" means an individual eligible for any ~~((medical assistance))~~ Washington apple health program enrolled in managed care with an MCO or PCCM provider that has a contract with the state.

"Enrollee's representative" means ~~((an individual))~~ a person with a legal right or written authorization from the enrollee to act on behalf of the enrollee in making decisions.

"Enrollees with special health care needs" means enrollees having chronic and disabling conditions and the conditions:

- ~~((1))~~ ~~(a)~~ Have a biologic, psychologic, or cognitive basis;
- ~~((2))~~ ~~(b)~~ Have lasted or are virtually certain to last for at least one year; and
- ~~((3))~~ ~~(c)~~ Produce one or more of the following conditions stemming from a disease:
 - ~~((a))~~ ~~(i)~~ Significant limitation in areas of physical, cognitive, or emotional function;

~~((b))~~ (ii) Dependency on medical or assistive devices to minimize limitation of function or activities; or

~~((e))~~ (iii) In addition, for children, any of the following:

~~((h))~~ (A) Significant limitation in social growth or developmental function;

~~((i))~~ (B) Need for psychological, educational, medical, or related services over and above the usual for the child's age; or

~~((j))~~ (C) Special ongoing treatments, such as medications, special diet, interventions, or accommodations at home or school.

"Exemption" means agency approval of a client's preenrollment request to remain in the fee-for-service delivery system for one of the reasons outlined in WAC 182-538-130.

"Grievance" means an expression of dissatisfaction about any matter other than an action, as "action" is defined in this section.

"Grievance system" means the overall system that includes grievances and appeals handled at the MCO level and access to the agency's hearing process.

"Health care service" or "service" means a service or item provided for the prevention, cure, or treatment of an illness, injury, disease, or condition.

~~("Healthy options program" or "HO program" means the agency's prepaid managed care health program for medicaid-eligible clients and clients enrolled in the state children's health insurance program (SCHIP).)~~

"Managed care" means a comprehensive health care delivery system that includes preventive, primary, specialty, and ancillary services. These services are provided through either an MCO or PCCM provider.

"Managed care contract" means the agreement between the agency and an MCO to provide prepaid contracted services to enrollees.

"Managed care organization" or "MCO" means an organization having a certificate of authority or certificate of registration from the office of insurance commissioner that contracts with the agency under a comprehensive risk contract to provide prepaid health care services to ~~(eligible clients)~~ enrollees under the agency's managed care programs.

"Mandatory enrollment" means the agency's requirement that a client enroll in managed care.

"Mandatory service area" means a service area in which eligible clients are required to enroll in an MCO.

"Nonparticipating provider" means a ~~(health care provider that does not have a written agreement with an MCO but that provides MCO-contracted health care services to managed care enrollees with the MCO's authorization)~~ person, health care provider, practitioner, facility, or entity acting within their scope of practice and licensure that:

(a) Provides health care services to enrollees; and

(b) Does not have a written agreement with the contractor to participate in a managed care organization's provider network.

"Participating provider" means a ~~(health care provider with a written agreement with an MCO to provide health care services to the MCO's managed care enrollees. A participating provider must look solely to the MCO for payment for such services)~~ person, health care provider, practi-

tioner, or entity acting within their scope of practice and licensure with a written agreement with the MCO to provide services to enrollees.

"Primary care case management" or "PCCM" means the health care management activities of a provider that contracts with the agency to provide primary health care services and to arrange and coordinate other preventive, specialty, and ancillary health services.

"Primary care provider" or "PCP" means a person licensed or certified under Title 18 RCW including, but not limited to, a physician, an advanced registered nurse practitioner (ARNP), naturopath, or a physician assistant who supervises, coordinates, and provides health services to a client or an enrollee, initiates referrals for specialist and ancillary care, and maintains the client's or enrollee's continuity of care.

~~("Prior authorization" or "PA" means a process by which enrollees or providers must request and receive agency approval for services provided through the agency's fee-for-service system, or MCO approval for services provided through the MCO, for certain medical services, equipment, drugs, and supplies, based on medical necessity, before the services are provided to clients, as a precondition for provider reimbursement.)~~

"Timely" ~~(means in relation to)~~ concerning the provision of services, means an enrollee has the right to receive medically necessary health care as expeditiously as the enrollee's health condition requires. ~~(In relation to)~~ Concerning authorization of services and grievances and appeals, "timely" means according to the agency's managed care program contracts and the time frames stated in this chapter.

~~("Washington medicaid integration partnership" or "WMIP" means the managed care program that is designed to integrate medical, mental health, chemical dependency treatment, and long term care services into a single coordinated health plan for eligible aged, blind, or disabled clients.)~~

AMENDATORY SECTION (Amending WSR 13-02-010, filed 12/19/12, effective 2/1/13)

WAC 182-538-060 Managed care and choice. (1) ~~(This chapter does not apply to the subsidized basic health program found in chapters 182-24 and 182-22 WAC unless allowed by specific program rule.~~

~~(2))~~ Except as provided in subsection ~~((3))~~ (2) of this section, the medicaid agency requires a client to enroll in managed care when that client:

(a) Is eligible for one of the ~~(medical assistance)~~ Washington apple health programs for which enrollment is mandatory;

(b) Resides in an area where enrollment is mandatory; and

(c) Is not exempt from managed care enrollment or the agency has not ended the client's managed care enrollment, consistent with WAC 182-538-130 ~~(, and any related hearing has been held and decided)~~.

~~((3))~~ (2) American Indian and Alaska native (AI/AN) clients ~~((who meet the provisions of 25 U.S.C. 1603 (c)-(d)~~

for federally recognized tribal members)) and their descendants may choose one of the following:

(a) Enrollment with a managed care organization (MCO) available in their area;

(b) Enrollment with ~~((an Indian or tribal primary care case management (PCCM) provider))~~ a PCCM provider through a tribal clinic or urban Indian center available in their area; or

(c) The agency's fee-for-service system.

~~((4))~~ (3) To enroll with an MCO or PCCM provider, a client may:

(a) Enroll online via the Washington Healthplanfinder at <https://www.wahealthplanfinder.org>:

(b) Call the agency's toll-free enrollment line at 800-562-3022;

~~((b))~~ (c) Go to the ProviderOne client portal at <https://www.waproviderone.org/client> and follow the instructions;

(d) Mail a postage-paid completed managed care enrollment form (HCA 13-862) to the agency's unit responsible for managed care enrollment; or

~~((e))~~ (e) Fax the managed care enrollment form (HCA 13-862) to the agency at the number located on the enrollment form.

~~((5))~~ (4) A client must enroll with an MCO ~~((provider))~~ available in the area where the client resides.

~~((6) All family members of an enrollee placed in the patient review and coordination (PRC) program under WAC 182-501-0135 must enroll with the same MCO but may enroll in a different MCO than the family member placed in the PRC program.)~~ (5) All family members will be enrolled with the same MCO.

(6) If a family member is enrolled in the patient review and coordination (PRC) program, the client must follow the rules in WAC 182-501-0135.

(7) When a client requests enrollment with an MCO or PCCM provider, the agency enrolls a client effective the earliest possible date given the requirements of the agency's enrollment system. ~~((The agency does not enroll clients retroactively.))~~

(8) The agency assigns a client who does not choose an MCO ~~((or PCCM provider))~~ as follows:

(a) ~~((If the client has a family member or family members enrolled with an MCO, the client is enrolled with that MCO;~~

~~((b))~~ If the client ~~((does not have a family member or family members enrolled with an MCO that is currently under contract with the agency, and the client was previously))~~ was enrolled with ((the)) an MCO or PCCM provider ~~((, and the agency can identify the previous enrollment))~~ within the previous six months, the client is reenrolled with the same MCO ~~((or PCCM provider));~~

(b) If the client has a family member enrolled with an MCO, the client is enrolled with that MCO;

(c) If the client cannot be assigned according to (a) or (b) of this subsection, the agency assigns the client as follows:

(i) ~~((If an AI or AN client does not choose an MCO or PCCM provider, the agency assigns the client to a tribal PCCM provider if that client resides in a zip code served by a tribal PCCM provider. If there is no tribal PCCM provider in the client's area, the client continues to be served by the~~

~~agency's fee-for-service system. A client assigned under this subsection may request to end enrollment at any time.~~

~~((ii))~~ If a client who is not AI or AN does not choose an MCO ~~((provider))~~, the agency assigns the client to an MCO available in the area where the client resides. The MCO is responsible for primary care provider (PCP) choice and assignment.

~~((iii))~~ (ii) For clients who are ~~((new recipients))~~ newly eligible or who have had a break in eligibility of ~~((greater than two))~~ more than six months, the agency sends a written notice to each household of one or more clients who are assigned to an MCO ~~((or PCCM provider))~~. The assigned client has ten calendar days to contact the agency to change the MCO ~~((or PCCM provider))~~ assignment before enrollment is effective. The notice includes ~~((the))~~;

(A) The agency's toll-free number;

(B) The toll-free number and name of the MCO ~~((or PCCM provider))~~ to which each client has been assigned~~((:));~~

(C) The effective date of enrollment~~((:));~~ and

(D) The date by which the client must respond in order to change the assignment~~((, and the toll-free telephone number of either:~~

~~((A) The MCO (for enrollees assigned to an MCO); or~~

~~((B) The agency (for enrollees assigned to a PCCM provider).~~

~~((iv))~~;

(ii) If the client has a break in eligibility of less than ~~((two))~~ six months, the client will be automatically reenrolled with his or her previous MCO ~~((or PCCM provider))~~ and no notice will be sent.

(9) ~~((The agency:~~

~~((a) Helps facilitate the choice of a PCP by providing information regarding available providers contracted with the MCOs in the client's service area; and~~

~~((b))~~ Upon request, the agency will assist clients in identifying an MCO with which their provider participates.

(10) An MCO enrollee's selection of a PCP or assignment to a PCP occurs as follows:

(a) An MCO enrollee may choose:

(i) A PCP or clinic that is in the enrollee's MCO and accepting new enrollees; or

(ii) A different PCP or clinic participating with the enrollee's MCO for different family members.

(b) The MCO assigns a PCP or clinic that meets the access standards set forth in the relevant managed care contract if the enrollee does not choose a PCP or clinic.

(c) An MCO enrollee may change PCPs or clinics in an MCO for any reason, with the change becoming effective no later than the beginning of the month following the enrollee's request.

(d) An MCO enrollee may file a grievance with the MCO if the MCO does not approve an enrollee's request to change PCPs or clinics.

(e) MCO enrollees required to participate in the agency's PRC program may be limited in their right to change PCPs (see WAC ~~((388-501-0135))~~ 182-501-0135).

AMENDATORY SECTION (Amending WSR 13-02-010, filed 12/19/12, effective 2/1/13)

WAC 182-538-067 (~~(Managed care provided through)~~) **Qualifications to become a managed care organization(s) (MCO(s))**. ~~((1) Managed care organizations (MCOs) may contract with the agency to provide prepaid health care services to eligible clients. The MCOs must meet the qualifications in this section to be eligible to contract with the agency. The MCO must:~~

~~(a) Have a certificate of registration from the office of the insurance commissioner (OIC) that allows the MCO to provide the health care services;~~

~~(b) Accept the terms and conditions of the agency's managed care contract;~~

~~(c) Be able to meet the network and quality standards established by the agency; and~~

~~(d) At the sole option of the agency, be awarded a contract through a competitive process or an application process available to all qualified providers.~~

~~(2) The agency reserves the right not to contract with any otherwise qualified MCO.)~~ (1) A managed care organization (MCO) must meet the following qualifications to be eligible to contract with the medicaid agency:

(a) Have a certificate of registration from the Washington state office of the insurance commissioner (OIC) that allows the MCO to provide health care services under a risk-based contract;

(b) Accept the terms and conditions of the agency's managed care contract;

(c) Be able to meet the network and quality standards established by the agency; and

(d) Pass a readiness review, including an on-site visit conducted by the agency.

(2) At its discretion, the agency awards a contract to an MCO through a competitive process or an application process available to all qualified providers.

(3) The agency reserves the right not to contract with any otherwise qualified MCO.

AMENDATORY SECTION (Amending WSR 13-02-010, filed 12/19/12, effective 2/1/13)

WAC 182-538-068 (~~(Managed care provided through)~~) **Qualifications to become a primary care case management (PCCM) provider**. A ~~((provider may contract with the agency as a))~~ primary care case management (PCCM) ~~((provider to coordinate health care services to eligible clients under the agency's managed care program. The PCCM))~~ provider or the individual providers in a PCCM group or clinic must:

(1) Have a core provider agreement with the medicaid agency;

(2) Be a recognized urban Indian health center or tribal clinic;

(3) Accept the terms and conditions of the agency's PCCM contract;

(4) Be able to meet the quality standards established by the agency; and

(5) Accept ~~((PCCM))~~ the case management rate ~~((s published))~~ paid by the agency.

AMENDATORY SECTION (Amending WSR 13-02-010, filed 12/19/12, effective 2/1/13)

WAC 182-538-070 (~~(Managed care))~~ **Payments to managed care organizations (MCOs)**. (1) The medicaid agency pays apple health managed care organizations (MCOs) monthly capitated premiums that:

(a) Have been developed ~~((in accordance with))~~ using generally accepted actuarial principles and practices;

(b) Are appropriate for the populations to be covered and the services to be furnished under the MCO contract;

(c) Have been certified by actuaries who meet the qualification standards established by the American Academy of Actuaries and follow the practice standards established by the Actuarial Standards Board;

(d) Are based on ~~((historical))~~ analysis of ~~((financial))~~ historical cost ~~((and/or))~~ rate information, or both; and

(e) Are paid based on legislative allocations.

(2) ~~((The agency pays primary care case management (PCCM) providers a monthly case management fee according to contracted terms and conditions.~~

~~((3))~~ The MCO is solely responsible for payment of MCO-contracted health care services. The agency ~~((does))~~ will not pay ~~((providers under the fee-for-service system))~~ for a service that is the MCO's responsibility, even if the MCO has not paid the provider for the service ~~((for any reason. The MCO is solely responsible for payment of MCO-contracted health care services)).~~

~~((4))~~ (3) The agency pays an enhancement rate to federally qualified health care centers (FQHC) and rural health clinics (RHC) for each ~~((client enrolled with MCOs through))~~ MCO enrollee assigned to the FQHC or RHC. The enhancement rate from the agency is in addition to the negotiated payments FQHCs and RHCs receive from the MCOs for services provided to MCO enrollees. To ensure that the appropriate amounts are paid to each FQHC or RHC, the agency performs an annual reconciliation of the enhancement payments with the FQHC or RHC.

~~((5))~~ (4) The agency pays MCOs a delivery case rate, separate from the capitation payment, when an enrollee delivers a child(ren) and the MCO pays for any part of labor and delivery.

NEW SECTION

WAC 182-538-071 Payments for primary care case management (PCCM) providers. (1) The medicaid agency pays PCCM providers a monthly case management fee according to contracted terms and conditions.

(2) The agency pays PCCM providers for health care services under the fee-for-service health care delivery system.

AMENDATORY SECTION (Amending WSR 13-02-010, filed 12/19/12, effective 2/1/13)

WAC 182-538-095 Scope of care for managed care enrollees. (1) A managed care enrollee ~~((s are))~~ is eligible for the scope of services ~~((as described))~~ in WAC 182-501-0060 for categorically needy clients.

(a) ~~((A client is entitled to timely access to medically necessary services as defined in WAC 182-500-0070.~~

~~(b))~~ The managed care organization (MCO) covers the services included in the ~~((MCO))~~ contract for ~~((MCO))~~ its enrollees.

~~(i)~~ MCOs may, at their discretion, cover ~~((additional))~~ services not required under the MCO contract. ~~((However,))~~

~~(ii)~~ The agency ~~((may not))~~ cannot require the MCO to cover any ~~((additional))~~ services outside the scope of services ~~((negotiated))~~ in the MCO's contract with the agency.

~~((e))~~ ~~(b)~~ The agency covers ~~((medically necessary))~~ services ~~((described))~~ identified as covered for categorically needy clients in WAC 182-501-0060 and described in WAC 182-501-0065 that are excluded from coverage in the MCO contract.

~~((d))~~ The agency covers services through the fee-for-service system for enrollees with a primary care case management (PCCM) provider. Except for emergencies, the PCCM provider must either provide the covered services needed by the enrollee, or refer the enrollee to other providers who are contracted with the agency for covered services. The PCCM provider is responsible for instructing the enrollee regarding how to obtain the services that are referred by the PCCM provider. Services that require PCCM provider referral are described in the PCCM contract. The agency informs an enrollee about the enrollee's program coverage, limitations to covered services, and how to obtain covered services.

~~(e)~~ MCO enrollees may obtain specific services described in the managed care contract from either an MCO provider or from a provider with a separate agreement with the agency without needing to obtain a referral from the PCP or MCO. These services are communicated to enrollees by the agency and MCOs as described in (f) of this subsection.

~~(f)~~ The agency sends each client written information about covered services when the client is required to enroll in managed care, and any time there is a change in covered services. This information describes covered services, which services are covered by the agency, and which services are covered by MCOs. In addition, the agency requires MCOs to provide new enrollees with written information about covered services.

~~(2)~~ For services covered by the agency through PCCM contracts for managed care:

~~(a)~~ The agency covers medically necessary services included in the categorically needy scope of care and rendered by providers who have a current care provider agreement with the agency to provide the requested service;

~~(b)~~ The agency may require the PCCM provider to obtain authorization from the agency for coverage of non-emergency services;

~~(c)~~ The PCCM provider determines which services are medically necessary;

~~(d)~~ An enrollee may request a hearing for review of PCCM provider or agency coverage decisions (see WAC 182-538-110); and

~~(e)~~ Services referred by the PCCM provider require an authorization number in order to receive payment from the agency.

~~(3)~~ For services covered by the agency through contracts with MCOs:

~~(a)~~ The agency requires the MCO to subcontract with a sufficient number of providers to deliver the scope of con-

tracted services in a timely manner. Except for emergency services, MCOs provide covered services to enrollees through their participating providers;

~~(b)~~ The agency requires MCOs to provide new enrollees with written information about how enrollees may obtain covered services;

~~(c)~~ For non-emergency services, MCOs may require the enrollee to obtain a referral from the primary care provider (PCP), or the provider to obtain authorization from the MCO, according to the requirements of the MCO contract;

~~(d)~~ MCOs and their contracted providers determine which services are medically necessary given the enrollee's condition, according to the requirements included in the MCO contract;

~~(e)~~ The agency requires the MCO to coordinate benefits with other insurers in a manner that does not reduce benefits to the enrollee or result in costs to the enrollee;

~~(f)~~ A managed care enrollee does not need a PCP referral to receive women's health care services, as described in RCW 48.42.100, from any women's health care provider participating with the MCO. Any covered services ordered and/or prescribed by the women's health care provider must meet the MCO's service authorization requirements for the specific service.

~~(g)~~ For enrollees temporarily outside their MCO services area, the MCO is required to cover enrollees for emergency care and medically necessary covered benefits that cannot wait until the enrollees return to their MCO services area.

~~(4)~~ Unless the MCO chooses to cover these services, or an appeal, or a hearing decision reverses an MCO or agency denial, ~~(2)~~ The following services are not covered by the MCO:

~~(a)~~ ~~((For all managed care enrollees:~~

~~(i))~~ Services that are not medically necessary as defined in WAC 182-500-0070.

~~((ii))~~ ~~(b)~~ Services not included in the categorically needy scope of services.

~~((iii))~~ ~~(c)~~ Services ~~((, other than a screening exam as described in WAC 182-538-100(3),))~~ received in a hospital emergency department for non-emergency medical conditions, except for a screening exam as described in WAC 182-538-100.

~~((b)~~ For MCO enrollees:

~~(i))~~ ~~(d)~~ Services received from a participating specialist that require prior authorization from the MCO, but were not authorized by the MCO.

~~((ii)~~ Services received from a nonparticipating provider that require prior authorization from the MCO that were not authorized by the MCO.))

~~(e)~~ All non-emergency services covered under the MCO contract and received from nonparticipating providers ~~((require))~~ that were not prior ((authorization from)) authorized by the MCO.

~~((e)~~ For PCCM enrollees, services that require a referral from the PCCM provider as described in the PCCM contract, but were not referred by the PCCM provider.

~~(5))~~ ~~(3)~~ A provider may bill an enrollee for noncovered services as described in subsection ~~((4))~~ ~~(2)~~ of this section, if the requirements of WAC 182-502-0160 are met.

(4) For services covered by the agency through contracts with MCOs:

(a) The agency requires the MCO to subcontract with enough providers to deliver the scope of contracted services in a timely manner. Except for emergency services, MCOs provide covered services to enrollees through their participating providers:

(b) The agency requires MCOs to provide new enrollees with written information about how enrollees may obtain covered services:

(c) For nonemergency services, MCOs may require the enrollee to obtain a referral from the primary care provider (PCP), and/or the provider to obtain authorization from the MCO, according to the requirements of the MCO contract:

(d) MCOs and their contracted providers determine which services are medically necessary given the enrollee's condition, according to the requirements included in the MCO contract:

(e) The agency requires the MCO to coordinate benefits with other insurers in a manner that does not reduce benefits to the enrollee or result in costs to the enrollee:

(f) A managed care enrollee does not need a PCP referral to receive women's health care services, as described in RCW 48.42.100, from any women's health care provider participating with the MCO. Any covered services ordered or prescribed by a women's health care provider must meet the MCO's service authorization requirements for the specific service:

(g) For enrollees outside their MCO services area, the MCO must cover enrollees for emergency care and medically necessary covered benefits that cannot wait until the enrollees return to their MCO services area.

(5)(a) An MCO enrollee may obtain specific services described in the managed care contract from either an MCO-contracted provider or a provider with a separate agreement with the agency without a referral from the PCP or MCO. These services are communicated to enrollees by the agency and MCOs as described in (b) of this subsection.

(b) The agency sends each enrollee written information about covered services when the client must enroll in managed care and any time there is a change in covered services. The agency requires MCOs to provide new enrollees with written information about covered services.

(6) An enrollee is entitled to timely access to covered services that are medically necessary as defined in WAC 182-500-0070.

(7) All nonemergency services covered under the MCO contract and received from nonparticipating providers require prior authorization from the MCO.

NEW SECTION

WAC 182-538-096 Scope of service for PCCM enrollees. (1) A primary care case management (PCCM) enrollee is eligible for the scope of services in WAC 182-501-0060 and 182-501-0065. An enrollee is entitled to timely access to covered services that are medically necessary.

(a) The agency covers services through the fee-for-service system for enrollees with a primary care case management (PCCM) provider. Except for emergencies, the PCCM

provider must either provide the covered services or refer the enrollee to other providers who are contracted with the agency for covered services. The PCCM provider is responsible for explaining to the enrollee how to obtain the services for which the PCCM provider is referring the enrollee. Services that require PCCM provider referral are described in the PCCM contract.

(b) The agency sends each enrollee written information about covered services when the client enrolls in managed care and when there is a change in covered services. This information describes covered services, which services are covered by the agency, and how to access services through the PCCM provider.

(2) For services covered by the agency through PCCM contracts for managed care:

(a) The agency covers medically necessary services included in the categorically needy scope of care and furnished by providers who have a current core provider agreement with the agency to provide the requested service;

(b) The agency may require the PCCM provider to obtain authorization from the agency for coverage of non-emergency services;

(c) The PCCM provider determines which services are medically necessary;

(d) Services referred by the PCCM provider require an authorization number to receive payment from the agency; and

(e) An enrollee may request a hearing for review of PCCM provider or agency coverage decisions (see WAC 182-538-110).

(3) The following services are not covered:

(a) Services that are not medically necessary as defined in WAC 182-500-0070.

(b) Services not included in the categorically needy scope of services.

(c) Services, other than a screening exam as described in WAC 182-538-100(3), received in a hospital emergency department for nonemergency medical conditions.

(d) Services that require a referral from the PCCM provider as described in the PCCM contract, but were not referred by the PCCM provider.

AMENDATORY SECTION (Amending WSR 13-02-010, filed 12/19/12, effective 2/1/13)

WAC 182-538-100 Managed care emergency services. (1) A managed care enrollee may obtain emergency services(¿) for emergency medical conditions from any qualified medicaid provider.

(a) The managed care organization (MCO) covers emergency services for MCO enrollees.

(b) The agency covers emergency services for primary care case management (PCCM) enrollees.

(2) Emergency services for emergency medical conditions do not require prior authorization by the MCO, primary care provider (PCP), PCCM provider, or the agency.

(3) MCOs must cover all emergency services provided to an enrollee by a provider who is qualified to furnish medicaid services, without regard to whether the provider is a participating or nonparticipating provider.

(4) An enrollee who requests emergency services (~~is entitled to~~) may receive an exam to determine if the enrollee has an emergency medical condition. What constitutes an emergency medical condition may not be limited on the basis of diagnosis or symptoms.

(5) The MCO must cover emergency services provided to an enrollee when:

(a) The enrollee had an emergency medical condition, including cases in which the absence of immediate medical attention would not have had the outcomes specified in the definition of an emergency medical condition; and

(b) The plan provider or other MCO representative instructs the enrollee to seek emergency services.

(6) In any disagreement between a hospital and the MCO about whether the enrollee is stable enough for discharge or transfer, or whether the medical benefits of an unstabilized transfer outweigh the risks, the judgment of the attending physician(s) actually caring for the enrollee at the treating facility prevails.

(7) Under 42 C.F.R. 438.114, the enrollee's MCO must cover and pay for:

(a) Emergency services provided to enrollees by an emergency room provider, hospital or fiscal agent outside the managed care system; and

(b) Any screening and treatment the enrollee requires (~~subsequent to~~) after the provision of the emergency services.

AMENDATORY SECTION (Amending WSR 13-02-010, filed 12/19/12, effective 2/1/13)

WAC 182-538-110 The grievance system for managed care organizations (MCO). (~~(1) This section contains information about the grievance system for managed care organization (MCO) enrollees, which includes grievances and appeals. See WAC 182-538-111 for information about the grievance system for PCCM enrollees, which includes grievances and appeals.~~

(2) An MCO enrollee may voice a grievance or appeal an action by an MCO to the MCO either orally or in writing.

(3) MCOs must maintain records of grievances and appeals and must review the information as part of the MCO's quality strategy.

(4) MCOs must provide information describing the MCO's grievance system to all providers and subcontractors.

(5) Each MCO must have a grievance system in place for enrollees. The system must comply with the requirements of this section and the regulations of the state office of the insurance commissioner (OIC). If a conflict exists between the requirements of this chapter and OIC regulations, the requirements of this chapter take precedence. The MCO grievance system must include all of the following:

(a) A grievance process for complaints about any matter other than an action, as defined in WAC 182-538-050. See subsection (6) of this section for this process;

(b) An appeal process for an action, as defined in WAC 182-538-050. See subsection (7) of this section for the standard appeal process and subsection (8) of this section for the expedited appeal process;

(c) Access to the agency's hearing process for actions as defined in WAC 182-538-050. The agency's hearing process described in chapter 182-526 WAC applies to this chapter. Where conflicts exist, the requirements in this chapter take precedence.

(6) The MCO grievance process:

(a) Only an enrollee may file a grievance with an MCO; a provider may not file a grievance on behalf of an enrollee.

(b) To ensure the rights of MCO enrollees are protected, each MCO's grievance process must be approved by the agency.

(c) MCOs must inform enrollees in writing within fifteen days of enrollment about enrollees' rights and how to use the MCO's grievance process, including how to use the agency's hearing process. The MCOs must have agency approval for all written information the MCO sends to enrollees.

(d) The MCO must give enrollees any assistance necessary in taking procedural steps for grievances (e.g., interpreter services and toll free numbers).

(e) The MCO must acknowledge receipt of each grievance either orally or in writing, and each appeal in writing, within five working days.

(f) The MCO must ensure that the individuals who make decisions on grievances are individuals who:

(i) Were not involved in any previous level of review or decision making; and

(ii) If deciding any of the following, are health care professionals who have appropriate clinical expertise in treating the enrollee's condition or disease:

(A) A grievance regarding denial of an expedited resolution of an appeal; or

(B) A grievance involving clinical issues.

(g) The MCO must complete the disposition of a grievance and notice to the affected parties within ninety days of receiving the grievance.

(7) The MCO appeal process:

(a) An MCO enrollee, or the enrollee's representative with the enrollee's written consent, may appeal an MCO action.

(b) To ensure the rights of MCO enrollees are protected, each MCO's appeal process must be approved by the agency.

(c) MCOs must inform enrollees in writing within fifteen days of enrollment about enrollees' rights and how to use the MCO's appeal process and the agency's hearing process. The MCOs must have agency approval for all written information the MCO sends to enrollees.

(d) For standard service authorization decisions, an enrollee must file an appeal, either orally or in writing, within ninety calendar days of the date on the MCO's notice of action. This also applies to an enrollee's request for an expedited appeal.

(e) For appeals for termination, suspension, or reduction of previously authorized services, if the enrollee is requesting continuation of services, the enrollee must file an appeal within ten calendar days of the date of the MCO mailing the notice of action. Otherwise, the time frames in subsection (7)(d) of this section apply.

(f) The MCO's notice of action must:

(i) Be in writing;

(ii) Be in the enrollee's primary language and be easily understood as required in 42 C.F.R. 438.10 (e) and (d);

(iii) Explain the action the MCO or its contractor has taken or intends to take;

(iv) Explain the reasons for the action;

(v) Explain the enrollee's or the enrollee's representative's right to file an MCO appeal;

(vi) Explain the procedures for exercising the enrollee's rights;

(vii) Explain the circumstances under which expedited resolution is available and how to request it (also see subsection (8) of this section);

(viii) Explain the enrollee's right to have benefits continue pending resolution of an appeal, how to request that benefits be continued, and the circumstances under which the enrollee may be required to pay the costs of these services (also see subsection (9) of this section); and

(ix) Be mailed as expeditiously as the enrollee's health condition requires, and as follows:

(A) For denial of payment, at the time of any action affecting the claim. This applies only when the client can be held liable for the costs associated with the action.

(B) For standard service authorization decisions that deny or limit services, not to exceed fourteen calendar days following receipt of the request for service, with a possible extension of up to fourteen additional calendar days if the enrollee or provider requests extension. If the request for extension is granted, the MCO must:

(I) Give the enrollee written notice of the reason for the decision for the extension and inform the enrollee of the right to file a grievance if the enrollee disagrees with that decision; and

(II) Issue and carry out the determination as expeditiously as the enrollee's health condition requires and no later than the date the extension expires.

(C) For termination, suspension, or reduction of previously authorized services, ten calendar days prior to such termination, suspension, or reduction, except if the criteria stated in 42 C.F.R. 431.213 and 431.214 are met. The notice must be mailed by a method which certifies receipt and assures delivery within three calendar days.

(D) For expedited authorization decisions, in cases where the provider indicates or the MCO determines that following the standard time frame could seriously jeopardize the enrollee's life or health or ability to attain, maintain, or regain maximum function, no later than three calendar days after receipt of the request for service.

(g) The MCO must give enrollees any assistance necessary in taking procedural steps for an appeal (e.g., interpreter services and toll-free numbers):

(h) The MCO must acknowledge receipt of each appeal.

(i) The MCO must ensure that the individuals who make decisions on appeals are individuals who:

(i) Were not involved in any previous level of review or decision-making; and

(ii) If deciding any of the following, are health care professionals who have appropriate clinical expertise in treating the enrollee's condition or disease:

(A) An appeal of a denial that is based on lack of medical necessity; or

(B) An appeal that involves clinical issues.

(j) The process for appeals must:

(i) Provide that oral inquiries seeking to appeal an action are treated as appeals (to establish the earliest possible filing date for the appeal), and must be confirmed in writing, unless the enrollee or provider requests an expedited resolution. Also see subsection (8) for information on expedited resolutions;

(ii) Provide the enrollee a reasonable opportunity to present evidence, and allegations of fact or law, in person as well as in writing. The MCO must inform the enrollee of the limited time available for this in the case of expedited resolution;

(iii) Provide the enrollee and the enrollee's representative opportunity, before and during the appeals process, to examine the enrollee's case file, including medical records, and any other documents and records considered during the appeal process; and

(iv) Include as parties to the appeal, the enrollee and the enrollee's representative, or the legal representative of the deceased enrollee's estate.

(k) MCOs must resolve each appeal and provide notice, as expeditiously as the enrollee's health condition requires, within the following time frames:

(i) For standard resolution of appeals and notice to the affected parties, no longer than forty-five calendar days from the day the MCO receives the appeal. This time frame may not be extended.

(ii) For expedited resolution of appeals, including notice to the affected parties, no longer than three calendar days after the MCO receives the appeal.

(iii) For appeals for termination, suspension, or reduction of previously authorized services, no longer than forty-five calendar days from the day the MCO receives the appeal.

(l) The notice of the resolution of the appeal must:

(i) Be in writing. For notice of an expedited resolution, the MCO must also make reasonable efforts to provide oral notice (also see subsection (8) of this section).

(ii) Include the results of the resolution process and the date it was completed.

(iii) For appeals not resolved wholly in favor of the enrollee:

(A) Include information on the enrollee's right to request a agency hearing and how to do so (also see WAC 182-526-0200);

(B) Include information on the enrollee's right to receive services while the hearing is pending and how to make the request (also see subsection (9) of this section); and

(C) Inform the enrollee that the enrollee may be held liable for the cost of services received while the hearing is pending, if the hearing decision upholds the MCO's action (also see subsection (10) of this section).

(m) If an MCO enrollee does not agree with the MCO's resolution of the appeal, the enrollee may file a request for an agency hearing within the following time frames (see WAC 182-526-0200 for the agency's hearing process for MCO enrollees):

(i) For hearing requests regarding a standard service, within ninety days of the date of the MCO's notice of the resolution of the appeal.

(ii) For hearing requests regarding termination, suspension, or reduction of a previously authorized service and the enrollee requests continuation of services pending the hearing, within ten calendar days of the date on the MCO's notice of the resolution of the appeal.

(n) The MCO enrollee must exhaust all levels of resolution and appeal within the MCO's grievance system prior to requesting a hearing with the agency.

(8) The MCO expedited appeal process:

(a) Each MCO must establish and maintain an expedited appeal review process for appeals when the MCO determines (for a request from the enrollee) or the provider indicates (in making the request on the enrollee's behalf or supporting the enrollee's request), that taking the time for a standard resolution could seriously jeopardize the enrollee's life or health or ability to attain, maintain, or regain maximum function.

(b) When approving an expedited appeal, the MCO will issue a decision as expeditiously as the enrollee's health condition requires, but not later than three business days after receiving the appeal.

(c) The MCO must ensure that punitive action is not taken against a provider who requests an expedited resolution or supports an enrollee's appeal.

(d) If the MCO denies a request for expedited resolution of an appeal, it must:

(i) Transfer the appeal to the time frame for standard resolution; and

(ii) Make reasonable efforts to give the enrollee prompt oral notice of the denial, and follow up within two calendar days with a written notice.

(9) Continuation of previously authorized services:

(a) The MCO must continue the enrollee's services if all of the following apply:

(i) The enrollee or the provider files the appeal on or before the later of the following:

(A) Unless the criteria in 42 C.F.R. 431.213 and 431.214 are met, within ten calendar days of the MCO mailing the notice of action, which for actions involving services previously authorized, must be delivered by a method which certifies receipt and assures delivery within three calendar days; or

(B) The intended effective date of the MCO's proposed action.

(ii) The appeal involves the termination, suspension, or reduction of a previously authorized course of treatment;

(iii) The services were ordered by an authorized provider;

(iv) The original period covered by the original authorization has not expired; and

(v) The enrollee requests an extension of services.

(b) If, at the enrollee's request, the MCO continues or reinstates the enrollee's services while the appeal is pending, the services must be continued until one of the following occurs:

(i) The enrollee withdraws the appeal;

(ii) Ten calendar days pass after the MCO mails the notice of the resolution of the appeal and the enrollee has not requested an agency hearing (with continuation of services until the agency hearing decision is reached) within the ten days;

(iii) Ten calendar days pass after the state office of administrative hearings (OAH) issues a hearing decision adverse to the enrollee and the enrollee has not requested an appeal to the independent review (IR) organization or petition for review to the agency review judge within the ten days in accordance with the provisions of WAC 182-526-0200;

(iv) Ten calendar days pass after the IR mails a decision adverse to the enrollee and the enrollee has not requested a review with the board of appeals within the ten days;

(v) The agency review judge issues a decision adverse to the enrollee; or

(vi) The time period or service limits of a previously authorized service has been met.

(e) If the final resolution of the appeal upholds the MCO's action, the MCO may recover the amount paid for the services provided to the enrollee while the appeal was pending, to the extent that they were provided solely because of the requirement for continuation of services.

(10) Effect of reversed resolutions of appeals:

(a) If the MCO or the final order as defined in chapter 182-526 WAC reverses a decision to deny, limit, or delay services that were not provided while the appeal was pending, the MCO must authorize or provide the disputed services promptly, and as expeditiously as the enrollee's health condition requires.

(b) If the MCO or the final order as defined in chapter 182-526 WAC reverses a decision to deny authorization of services, and the enrollee received the disputed services while the appeal was pending, the MCO must pay for those services.) (1) This section contains information about the [grievance system for managed care organization \(MCO\) enrollees](#). See WAC 182-538-111 for information about [PCCM enrollees](#).

(a) Each MCO must have a [grievance system in place for enrollees](#). The system must comply with the requirements of 42 C.F.R. 438 Subpart F, [medicaid agency rules in Title 182 WAC](#), and the rules of the state office of insurance commissioner (OIC) in chapter 284-43 WAC.

(b) The agency's [hearing rules in chapter 182-526 WAC](#) apply to administrative hearings requested by enrollees to review resolution of an enrollee appeal of an MCO action.

(c) If a conflict exists between the requirements of this chapter and other rules, the requirements of this chapter take precedence.

(2) [MCO grievance system](#).

(a) The MCO grievance system must include:

(i) A process for addressing complaints about any matter that is not an action, which is called a grievance;

(ii) An appeals process to address requests for review of an MCO action;

(iii) Access to an independent review (IR) by an independent review organization (IRO) in accordance with RCW 48.43.535 and WAC 182-526-0200; and

(iv) Access to the agency's administrative hearing process for review of an MCO's resolution of an appeal.

(b) MCOs must provide information describing the MCO's grievance system to all providers and subcontractors.

(c) An MCO must have agency approval for written materials sent to enrollees regarding the grievance system.

(d) MCOs must inform enrollees in writing within fifteen calendar days of enrollment about enrollees' rights with instructions on how to use the MCO's grievance system.

(e) An MCO must give enrollees any reasonable assistance in completing forms and other procedural steps for grievances and appeals (e.g., interpreter services and toll-free numbers).

(f) An MCO must allow enrollees and their authorized representatives to file grievances and appeals orally as well as in writing. MCOs may not require enrollees to provide written follow up for a grievance or an appeal the MCO received orally.

(g) The MCO must resolve each grievance and appeal and provide notice of the resolution as expeditiously as the enrollee's health condition requires, and within the time frames identified in this section.

(h) The MCO must ensure that the individuals who make decisions on grievances and appeals are individuals:

(i) Who were not involved in any previous level of review or decision making; and

(ii) Are health care professionals who have appropriate clinical expertise in treating the enrollee's condition or disease if deciding any of the following:

(A) An appeal of an action concerning medical necessity;

(B) A grievance concerning denial of an expedited resolution of an appeal; or

(C) A grievance or appeal that involves any clinical issues.

(3) The MCO grievance process.

(a) Only an enrollee or enrollee's authorized representative may file a grievance with an MCO. A provider may not file a grievance on behalf of an enrollee without the enrollee's written consent.

(b) An MCO must acknowledge receipt of each grievance filed orally or in writing within two business days.

(c) The MCO must complete the disposition of a grievance and provide notice to the affected parties as expeditiously as the enrollee's health condition requires, but no later than forty-five days after receiving the grievance.

(d) The MCO must notify enrollees of the disposition of grievances within five business days of determination.

(i) Notices of disposition of grievances not involving clinical issues can be oral or in writing.

(ii) Notices of disposition of grievances for clinical issues must be in writing.

(e) Enrollees do not have a right to an administrative hearing in regards to the disposition of a grievance.

(4) The MCO's notice of action.

(a) Language and format requirements. The notice of action must be in writing in enrollee's primary language, and in an easily understood format, in accordance with 42 C.F.R. Sec. 438.404.

(b) Content of notice of action. The notice of MCO action must explain:

(i) The MCO's action or action the MCO intends to take;

(ii) The reasons for the action;

(iii) The enrollee's right to file an appeal;

(iv) The procedures for exercising the enrollee's rights;

(v) The circumstances under which expedited resolution is available and how to request it;

(vi) The enrollee's right to have benefits continued pending resolution of an appeal, how to request that benefits be continued, and the circumstances under which the enrollee may be required to pay the costs of these services.

(c) Timing of notice of action. The MCO must mail the notice of action within the following time frames:

(i) For termination, suspension, or reduction of previously authorized services, at least ten calendar days prior to such action in accordance with 42 C.F.R. Sec. 438.404 and 431.211. This time period does not apply if the criteria in 42 C.F.R. Sec. 431.213 or 431.214 are met. This notice must be mailed by a method that certifies receipt and assures delivery within three calendar days.

(ii) For denial of payment, at the time of any action affecting the claim. This applies only when the client can be held liable for the costs associated with the action.

(iii) For standard service authorization decisions that deny or limit services, as expeditiously as the enrollee's health condition requires not to exceed fourteen calendar days following receipt of the request for service. An extension of up to fourteen additional days may be allowed if:

(A) The enrollee or enrollee's provider requests the extension.

(B) The MCO determines and justifies to the agency upon request a need for additional information and that the extension is in the enrollee's interest.

(iv) If the MCO extends the time frame for standard service authorization decisions, the MCO must:

(A) Give the enrollee written notice of the reason for the decision to extend and inform the enrollee of the right to file a grievance if the enrollee disagrees with that decision; and

(B) Issue and carry out its determination as expeditiously as the enrollee's health condition requires and no later than the date the extension expires.

(v) For expedited authorization decisions:

(A) In cases where the provider indicates or the MCO determines that following the standard time frame could seriously jeopardize the enrollee's life or health or ability to attain, maintain, or regain maximum function, the MCO must make an expedited authorization decision and provide notice no later than three business days after receipt of the request for service.

(B) The MCO may extend the three business days time frame up to fourteen calendar days if:

(I) The enrollee requests the extension; or

(II) The MCO determines and justifies to the agency upon request a need for additional information and it is in the enrollee's interest.

(5) The MCO appeals process.

(a) An enrollee, the enrollee's authorized representative, or the provider acting with the enrollee's written consent, may appeal an MCO action.

(b) An MCO must treat oral inquiries about appealing an action as an appeal to establish the earliest possible filing date for the appeal. The oral appeal must be confirmed in writing by the MCO, unless the enrollee or provider requests an expedited resolution.

(c) The MCO must acknowledge receipt of each appeal to both the enrollee and the requesting provider within three calendar days. The appeal acknowledgment letter sent by the MCO serves as written confirmation of an appeal filed orally by an enrollee.

(d) For appeals involving standard service authorization decisions, an enrollee must file an appeal within ninety calendar days of the date on the MCO's notice of action. This time frame also applies to a request for an expedited appeal.

(e) For appeals of actions involving termination, suspension, or reduction of a previously authorized service, and the enrollee is requesting continuation of the service, the enrollee must file an appeal within ten calendar days of the MCO mailing notice of the action.

(f) The MCO appeals process must:

(i) Provide the enrollee a reasonable opportunity to present evidence and allegations of fact or law, both in person and in writing. The MCO must inform the enrollee of the limited time available for this in the case of expedited resolution:

(ii) Provide the enrollee and the enrollee's representative opportunity before and during the appeals process to examine the enrollee's case file, including medical records and any other documents and records considered during the appeals process; and

(iii) Include as parties to the appeal:

(A) The enrollee; and

(B) The enrollee's representative or the legal representative of the deceased enrollee's estate.

(g) Time frames for resolution of appeals. MCOs must resolve each appeal and provide notice as expeditiously as the enrollee's health condition requires, and within the following time frames:

(i) For standard resolution of appeals, including notice to the affected parties, no longer than forty-five calendar days from the day the MCO receives the appeal. This includes appeals involving termination, suspension, or reduction of previously authorized services.

(ii) For expedited resolution of appeals, or appeals of mental health drug authorization decisions, including notice to the affected parties, no longer than three calendar days after the MCO receives the appeal.

(h) Notice of resolution of appeal. The notice of the resolution of the appeal must:

(i) Be in writing and be sent to the enrollee and the requesting provider. For notice of an expedited resolution, the MCO must also make reasonable efforts to provide oral notice.

(ii) Include the results of the resolution process and the date it was completed.

(i) Administrative hearing rights. For appeals not resolved wholly in favor of the enrollee, the notice of resolution of the appeal must:

(i) Include information on the enrollee's right to request an agency administrative hearing and how to do so as provided in the agency hearing rules in WAC 182-526-0200;

(ii) Include information on the enrollee's right to receive services while the hearing is pending and how to make the request as described in the agency hearing rules in WAC 182-526-0200; and

(iii) Inform the enrollee that the enrollee may be held liable for the cost of services received for the first sixty days after an administrative hearing request is received by the agency or the office of administrative hearings (OAH), if the hearing decision upholds the MCO's action.

(6) MCO expedited appeal process.

(a) Each MCO must establish and maintain an expedited appeal review process for appeals when the MCO determines or provider indicates that taking the time for a standard resolution could seriously jeopardize the enrollee's life or health or ability to attain, maintain, or regain maximum function.

(b) The enrollee may file an expedited appeal either orally or in writing. No additional follow up is required of the enrollee.

(c) The MCO must make a decision on the enrollee's request for expedited appeal and provide written notice as expeditiously as the enrollee's health condition requires and no later than three calendar days after the MCO receives the appeal. The MCO must also make reasonable efforts to orally notify the enrollee of the decision.

(d) The MCO may extend the time frame for decision on the enrollee's request for an expedited appeal up to fourteen days if:

(i) The enrollee requests the extension; or

(ii) The MCO determines there is a need for additional information and the delay is in the enrollee's interest.

(e) The MCO must provide written notice for any extension not requested by the enrollee with the reason for the delay.

(f) If the MCO grants an expedited appeal, the MCO must issue a decision as expeditiously as the enrollee's health condition requires, but not later than three business days after receiving the appeal.

(g) If the MCO denies a request for expedited resolution of an appeal, it must:

(i) Process the appeal based on the time frame for standard resolution;

(ii) Make reasonable efforts to give the enrollee prompt oral notice of the denial; and

(iii) Provide written notice within two calendar days.

(h) The MCO must ensure that punitive action is not taken against a provider who requests an expedited resolution or supports an enrollee's appeal.

(7) Administrative hearing.

(a) Only an enrollee or enrollee's authorized representative may request an administrative hearing. A provider may not request a hearing on behalf of an enrollee.

(b) If an enrollee does not agree with the MCO's resolution of an appeal, the enrollee may file a request for an agency administrative hearing based on the rules in this section and the agency hearing rules in WAC 182-526-0200.

(c) The MCO is an independent party and responsible for its own representation in any administrative hearing, independent review, appeal to the board of appeals, and any subsequent judicial proceedings.

(d) An enrollee must exhaust the appeals process within the MCO's grievance system before requesting an administrative hearing with the agency.

(8) Continuation of previously authorized services during the appeal process.

(a) The MCO must continue the enrollee's services if all of the following apply:

(i) The enrollee or the provider files the appeal on or before the later of the following:

(A) Within ten calendar days of the MCO mailing the notice of action involving services previously authorized; or

(B) The intended effective date of the MCO's proposed action.

(ii) The appeal involves the termination, suspension, or reduction of a previously authorized course of treatment;

(iii) The services were ordered by an authorized provider;

(iv) The original period covered by the original authorization has not expired; and

(v) The enrollee requests an extension of services.

(b) If the MCO continues or reinstates the enrollee's services while the appeal is pending at the enrollee's request, the services must be continued until one of the following occurs:

(i) The enrollee withdraws the appeal;

(ii) Ten calendar days pass after the MCO mails notice of the resolution of the appeal against the enrollee and the enrollee has not requested an agency administrative hearing with continuation of services during the ten day time frame;

(iii) OAH issues a hearing decision adverse to the enrollee;

(iv) The time period or service limits of a previously authorized service has been met.

(c) If the final resolution of the appeal upholds the MCO's action, the MCO may recover from the enrollee the amount paid for the services provided to the enrollee for the first sixty calendar days after the request for hearing was received by the agency or OAH, to the extent that services were provided solely because of the requirement for continuation of services.

(9) Effect of reversed resolutions of appeals.

(a) If the MCO, or a final order as defined in chapter 182-526 WAC, or an independent review organization (IRO) reverses a decision to deny, limit, or delay services that were not provided while the appeal was pending, the MCO must authorize or provide the disputed services promptly, and as expeditiously as the enrollee's health condition requires.

(b) If the MCO reverses a decision to deny authorization of services or the denial is reversed through an IRO or a final order of OAH or the board of appeals and the enrollee received the disputed services while the appeal was pending, the MCO must pay for those services.

AMENDATORY SECTION (Amending WSR 13-02-010, filed 12/19/12, effective 2/1/13)

WAC 182-538-111 The administrative hearing process for primary care case management (PCCM) (~~grievances and appeals~~). (1) This section contains information about the (~~grievance system~~) administrative hearing process for primary care case management (PCCM) enrollees (~~which includes grievances and appeals~~). See WAC 182-538-110 for information about the grievance system for managed care organization (MCO) enrollees.

~~(2) ((A PCCM enrollee may voice a grievance or file an appeal, either orally or in writing. PCCM enrollees use the agency's grievance and appeal processes.~~

~~(3) The grievance process for PCCM enrollees;~~

~~(a) A PCCM enrollee may file a grievance with the agency. A provider may not file a grievance on behalf of a PCCM enrollee.~~

~~(b) The agency provides PCCM enrollees with information equivalent to that described in WAC 182-538-110(7)(c).~~

~~(c) When a PCCM enrollee files a grievance with the agency, the enrollee is entitled to:~~

~~(i) Any reasonable assistance in taking procedural steps for grievances (e.g., interpreter services and toll-free numbers);~~

~~(ii) Acknowledgment of the agency's receipt of the grievance;~~

~~(iii) A review of the grievance. The review must be conducted by an agency representative who was not involved in the grievance issue; and~~

~~(iv) Disposition of the grievance and notice to the affected parties within ninety days of the agency receiving the grievance.~~

~~(4) The appeal process for PCCM enrollees:~~

~~(a) A PCCM enrollee may file an appeal of an agency action with the agency. A provider may not file an appeal on behalf of a PCCM enrollee.~~

~~(b) The agency provides PCCM enrollees with information equivalent to that described in WAC 182-538-110(8)(c).~~

~~(c) The appeal process for PCCM enrollees follows that described in chapter 182-526 WAC. Where a conflict exists, the requirements in this chapter take precedence.) PCCM enrollees follow the same administrative hearing rules and processes as fee-for-service clients under chapter 182-526 WAC.~~

AMENDATORY SECTION (Amending WSR 13-02-010, filed 12/19/12, effective 2/1/13)

WAC 182-538-130 Exemptions and ending enrollment in managed care. ~~((1) The agency exempts a client from mandatory enrollment in managed care or ends an enrollee's enrollment in managed care as specified in this section.~~

~~(2) A client or enrollee, or the client's or enrollee's representative as defined in RCW 7.70.065, may request that the agency exempt or end enrollment in managed care as described in this section.~~

~~(a) If a client requests exemption prior to the enrollment effective date, the client is not enrolled until the agency approves or denies the request.~~

~~(b) If an enrollee requests to end enrollment, the enrollee remains enrolled pending the agency's final decision, unless staying in managed care would adversely affect the enrollee's health status.~~

~~(c) The client or enrollee receives timely notice by telephone or in writing when the agency approves or denies the client's or enrollee's request. The agency follows a telephone denial by written notification. The written notice contains all of the following:~~

~~(i) The action the agency intends to take;~~

- (ii) The reason(s) for the intended action;
- (iii) The specific rule or regulation supporting the action;
- (iv) The client's or enrollee's right to request a hearing;

and

(v) A translation into the client's or enrollee's primary language when the client or enrollee has limited English proficiency.

(3) A managed care organization (MCO) or primary care case management (PCCM) provider may request that the agency end enrollment. The request must be in writing and be sufficient to satisfy the agency that the enrollee's behavior is inconsistent with the MCO's or PCCM provider's rules and regulations (e.g., intentional misconduct). The agency does not approve a request to remove an enrollee from managed care when the request is solely due to an adverse change in the enrollee's health or the cost of meeting the enrollee's health care needs. The MCO or PCCM provider's request must include documentation that:

(a) The enrollee purposely put the safety and property of the contractor or the contractor's staff, providers, patients, or visitors at risk;

(b) The enrollee refused to follow procedures or treatment recommended by the enrollee's provider and determined by the contractor's medical director to be essential to the enrollee's health and safety and the enrollee has been told by the provider and/or the contractor's medical director that no other treatment is available;

(c) The enrollee engaged in intentional misconduct, including refusing to provide information to the contractor about third-party insurance coverage; or

(d) The MCO conducted a clinically appropriate evaluation to determine whether there was a treatable problem contributing to the enrollee's behavior and there was not a treatable problem or the enrollee refused to participate in treatment.

(e) The enrollee received written notice of the provider's intent to request the enrollee's removal, unless the agency has waived the requirement for provider notice because the enrollee's conduct presents the threat of imminent harm to others. The provider's notice must include:

(i) The enrollee's right to use the provider's grievance system as described in WAC 182-538-110 and 182-538-111; and

(ii) The enrollee's right to use the agency's hearing process, after the enrollee has exhausted all grievance and appeals available through the provider's grievance system (see WAC 182-538-110 and 182-538-111 for provider grievance systems, and WAC 182-526-0200 for the hearing process for enrollees).

(4) When the agency receives a request from an MCO or PCCM provider to remove an enrollee from enrollment in managed care, the agency attempts to contact the enrollee for the enrollee's perspective. If the agency approves the request, the agency sends a notice at least ten calendar days in advance of the effective date that enrollment will end. The notice includes:

(a) The reason the agency approved ending enrollment; and

(b) Information about the enrollee's hearing rights.

(5) The agency will exempt a client from mandatory enrollment or end an enrollee's enrollment in managed care when any of the following apply:

(a) The client has or the enrollee becomes eligible for Medicare, CHAMPUS/TRICARE, or any other third-party health care coverage comparable to the agency's managed care coverage that would require exemption or involuntarily ending enrollment from:

(i) An MCO, in accordance with the agency's managed care contract; or

(ii) A primary care case management (PCCM) provider, according to the agency's PCCM contract.

(b) The enrollee is no longer eligible for managed care.

(6) The agency will grant a client's request for exemption or an enrollee's request to end enrollment when:

(a) The client or enrollee is American Indian or Alaska native (AI/AN) as specified in WAC 182-538-060(2); or

(b) The client or enrollee is homeless or is expected to live in temporary housing for less than one hundred twenty days from the date of the request.

(7) On a case-by-case basis, the agency will grant a client's request for exemption or an enrollee's request to end enrollment when, in the agency's judgment, the client or enrollee has a documented treatment plan for medically necessary care by a provider who is not available through any contracted MCO and enrollment would likely disrupt that treatment in such a way as to cause an interruption of treatment that could jeopardize the client's or enrollee's life or health or ability to attain, maintain, or regain maximum function.

(8) Upon request, the agency may exempt the client or end enrollment for the period of time the circumstances or conditions described in subsection (7) of this section are expected to exist. The agency may periodically review those circumstances or conditions to determine if they continue to exist. If the agency approves the request for a limited time, the client or enrollee is notified in writing or by telephone of the time limitation, the process for renewing the exemption or the ending of enrollment.) (1) The agency exempts a client from enrollment or end enrollment from mandatory managed care when any of the following apply:

(a) The client has or the enrollee becomes eligible for Medicare, TRICARE, or any other third-party health care coverage comparable to the agency's managed care coverage;

(b) The client or enrollee is not eligible for managed care enrollment, for Washington apple health programs, or both; or

(c) A request for exemption or to end enrollment is received and approved by the agency as described in this section.

(i) If a client requests exemption before the enrollment effective date, the client is not enrolled until the agency approves or denies the request.

(ii) If an enrollee request to end enrollment is received after the enrollment effective date, the enrollee remains enrolled pending the agency's decision.

(2)(a) The following people may request that the agency exempt or end enrollment in managed care as described in this section:

(i) A client or enrollee;

(ii) A client or enrollee's authorized representative under WAC 182-503-0130; or

(iii) A client or enrollee's representative as defined in RCW 7.70.065.

(b) The agency grants a request to exempt or end enrollment in managed care when the client or enrollee:

(i) Is American Indian or Alaska native;

(ii) Lives in an area or is enrolled in a Washington apple health program in which participation in managed care is voluntary; or

(iii) Requires care that meets the criteria in subsection (3) of this section for case-by-case clinical exemptions or ending of enrollment.

(3) Case-by-case clinical exemption for ending of enrollment.

(a) The following criteria must be met:

(i) The care must be medically necessary;

(ii) That medically necessary care is covered under the agency's managed care contracts;

(iii) The client is receiving the medically necessary care from an established provider or providers who is not available through any contracted MCO; and

(iv) It is medically necessary to continue that care from the established provider or providers.

(b) When the agency approves a request for exemption or ending enrollment, the agency will notify the client or enrollee of its decision by telephone or in writing. If the agency approves the request for a limited time, the client or enrollee is notified of the time limitation and the process for renewing the exemption or the ending of enrollment.

(c) When the agency denies a request for exemption or ending enrollment, the agency will notify the client or enrollee of its decision by telephone or in writing and confirms a telephone notification in writing. When a client or enrollee is limited-English proficient, the written notice must be available in the client's or enrollee's primary language under 42 C.F.R. 438.10. The written notice must contain all the following information:

(i) The agency's decision;

(ii) The reason for the decision;

(iii) The specific rule or regulation supporting the decision; and

(iv) The right to request an agency administrative hearing.

(d) If a client or enrollee does not agree with the agency's decision regarding a request for exemption or to end enrollment, the client or enrollee may file a request for an agency administrative hearing based on RCW 74.09.741, the rules in this chapter, and the agency hearing rules in chapter 182-526 WAC.

(e) A client who appeals an agency decision under this section and requests to remain out of managed care pending their appeal will have their request evaluated according to WAC 182-504-0130.

(4) The agency will grant a request from an MCO to remove an enrollee from enrollment on a case-by-case basis when the request is submitted to the agency in writing and includes sufficient documentation for the agency to determine that the criteria for ending enrollment in this subsection is met.

(a) All of the following criteria must be met to end enrollment:

(i) The enrollee puts the safety or property of the contractor or the contractor's staff, providers, patients, or visitors at risk and the enrollee's conduct presents the threat of imminent harm to others, except for enrollees described in (c) of this subsection;

(ii) A clinically appropriate evaluation was conducted to determine whether there was a treatable problem contributing to the enrollee's behavior and there was not a treatable problem or the enrollee refused to participate; and

(iii) The enrollee's health care needs have been coordinated as contractually required and the safety concerns cannot be addressed.

(b) The agency will not approve a request to end enrollment when the request is solely due to any of the following:

(i) An adverse change in the enrollee's health status;

(ii) The cost of meeting the enrollee's health care needs or because of the enrollee's utilization of services;

(iii) The enrollee's diminished mental capacity; or

(iv) Uncooperative or disruptive behavior resulting from the enrollee's special needs or behavioral health condition, except when continued enrollment in the MCO or PCCM seriously impairs the entity's ability to furnish services to either this particular enrollee or other enrollees.

(c) When the agency receives a request from an MCO to remove an enrollee from enrollment in managed care, the agency reviews each request on a case-by-case basis. The agency will respond to the MCO in writing with the decision. If the agency grants the request to end enrollment:

(i) The MCO will notify the enrollee in writing of the decision. The notice must include:

(A) The enrollee's right to use the MCO's grievance system as described in WAC 182-538-110; and

(B) The enrollee's right to use the agency's hearing process (see WAC 182-526-0200 for the hearing process for enrollees).

(ii) The agency will send a written notice to the enrollee at least ten calendar days in advance of the effective date that enrollment will end. The notice to the enrollee includes the information in subsection (3)(c) of this section.

(d) The MCO will continue to provide services to the enrollee until the date the individual is no longer enrolled.

(5) The agency may exempt the client for the period of time the circumstances or conditions described in this section are expected to exist. The agency may periodically review those circumstances or conditions to determine if they continue to exist. Any authorized exemption or ending of enrollment will continue only until the client can be enrolled in managed care.

AMENDATORY SECTION (Amending WSR 13-02-010, filed 12/19/12, effective 2/1/13)

WAC 182-538-140 Quality of care. (1) To assure that managed care enrollees receive quality health care services, the agency requires managed care organizations (MCOs) to comply with quality improvement standards detailed in the agency's managed care contract. MCO's must:

(a) Have a clearly defined quality organizational structure and operation, including a fully operational quality assessment, measurement, and improvement program;

(b) Have effective means to detect over and (~~under utilization~~) underutilization of services;

(c) Maintain a system for provider and practitioner credentialing and recertification;

(d) Ensure that MCO subcontracts and the delegation of MCO responsibilities (~~are in accordance~~) align with (~~the~~) agency standards (~~and regulations~~);

(e) Ensure MCO oversight of delegated entities responsible for any delegated activity to include:

(i) A delegation agreement with each entity describing the responsibilities of the MCO and the entity;

(ii) Evaluation of the entity (~~prior to~~) before delegation;

(iii) An annual evaluation of the entity; and

(iv) Evaluation or regular reports and follow-up on issues (~~out of compliance~~) that are not compliant with the delegation agreement or the agency's managed care contract specifications.

(f) Cooperate with an agency-contracted, qualified independent external quality review organization (EQRO) conducting review activities as described in 42 C.F.R. 438.358;

(g) Have an effective mechanism to assess the quality and appropriateness of care furnished to enrollees with special health care needs;

(h) Assess and develop individualized treatment plans for enrollees with special health care needs which ensure integration of clinical and nonclinical disciplines and services in the overall plan of care;

(i) Submit annual reports to the agency on performance measures as specified by the agency;

(j) Maintain a health information system that:

(i) Collects, analyzes, integrates, and reports data as requested by the agency;

(ii) Provides information on utilization, grievances and appeals, enrollees ending enrollment for reasons other than the loss of medicaid eligibility, and other areas as defined by the agency;

(iii) Collects data on enrollees, providers, and services provided to enrollees through an encounter data system, in a standardized format as specified by the agency; and

(iv) Ensures data received from providers is adequate and complete by verifying the accuracy and timeliness of reported data and screening the data for completeness, logic, and consistency.

(k) Conduct performance improvement projects designed to achieve significant improvement, sustained over time, in clinical care outcomes and services, and that involve the following:

(i) Measuring performance using objective quality indicators;

(ii) Implementing system changes to achieve improvement in service quality;

(iii) Evaluating the effectiveness of system changes;

(iv) Planning and initiating activities for increasing or sustaining performance improvement;

(v) Reporting each project status and the results as requested by the agency; and

(vi) Completing each performance improvement project timely so as to generally allow aggregate information to produce new quality of care information every year.

(l) Ensure enrollee access to health care services;

(m) Ensure continuity and coordination of enrollee care; (~~and~~)

(n) Maintain and monitor availability of health care services for enrollees;

(o) Perform client satisfaction surveys; and

(p) Obtain and maintain national committee on quality assurance (NCQA) accreditation.

(2) The agency may:

(a) Impose intermediate sanctions (~~in accordance with~~) under 42 C.F.R. 438.700 and corrective action for substandard rates of clinical performance measures and for deficiencies found in audits and on-site visits;

(b) Require corrective action for findings for noncompliance with any contractual state or federal requirements; and

(c) Impose sanctions for noncompliance with any contractual, state, or federal requirements not corrected.

NEW SECTION

WAC 182-538-150 Apple health foster care program.

(1) Unless otherwise stated in this section, all of the provisions of chapter 182-538 WAC apply to apple health foster care (AHFC).

(2) The following sections of chapter 182-538 WAC do not apply to AHFC:

(a) WAC 182-538-068;

(b) WAC 182-538-071;

(c) WAC 182-538-096; and

(d) WAC 182-538-111.

(3) Enrollment in AHFC is voluntary for eligible individuals. The agency will enroll eligible individuals in the single MCO that serves children and youth in foster care and adoption support, and young adult alumni of the foster care system.

(a) The agency will not enroll a client in AHFC or will end an enrollee's enrollment in AHFC when the client has, or becomes eligible for, TRICARE or any other third-party health care coverage that would:

(i) Require the agency to either exempt the client from enrollment in managed care; or

(ii) End the enrollee's enrollment in managed care.

(b) An AHFC enrollee may request exemption from enrollment or termination of enrollment in AHFC without cause if the client is in the adoption support or young adult alumni programs under WAC 182-538-130.

(4) In addition to the scope of medical care services in WAC 182-538-095, AHFC coordinates health care services for enrollees with the department of social and health services community mental health system and other health care systems as needed.

(5) The agency sends written information about covered services when the individual becomes eligible to enroll in AHFC and at any time there is a change in covered services. In addition, the agency requires MCOs to provide new enrollees with written information about:

(a) Covered services;

- (b) The right to grievances and appeals through the MCO; and
 (c) Hearings through the agency.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 182-538-061 Voluntary enrollment into managed care—Washington medicaid integration partnership (WMIP).
 WAC 182-538-063 Managed care for medical care services clients.
 WAC 182-538-065 Medicaid-eligible basic health (BH) enrollees.

WSR 15-20-106
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed October 6, 2015, 1:21 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-16-050.

Title of Rule and Other Identifying Information: The department is proposing to repeal WAC 388-273-0010 Purpose of the Washington telephone assistance program, 388-273-0020 Who may receive Washington telephone assistance program (WTAP)?, 388-273-0025 Benefits you receive as a WTAP participant, 388-273-0030 How you can apply for WTAP, and 388-273-0035 What we reimburse the local telephone company.

Hearing Location(s): Office Building 2, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>), on November 10, 2015, at 10:00 a.m.

Date of Intended Adoption: Not earlier than November 11, 2015.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., November 10, 2015.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, by October 27, 2015, phone (360) 664-6092, TTY (360) 664-6178, or e-mail KildaJA@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to repeal WAC 388-273-0010, 388-273-0020, 388-273-0025, 388-273-0030, and 388-273-0035 as the Washington telephone assistance program is not funded in the state of Washington 2015-2017 biennium legislative budget (ESSB 6052).

Reasons Supporting Proposal: RCW 80.36.470 prohibits enrollment in the WTAP if program expenditures exceed the total amount of funds made available by the legislature. The department is proposing to repeal the above rules because the WTAP program is not funded in the state of Washington 2015-2017 biennium legislative budget.

WAC 388-273-0020 and 388-273-0030 were repealed by emergency rule-making order (WSR 15-16-074) on July 31, 2015, and WAC 388-273-0010, 388-273-0025, and 388-273-0035 were repealed by emergency rule-making order (WSR 15-18-098) on September 1, 2015.

Statutory Authority for Adoption: RCW 74.04.055, 74.08.090, and 80.36.470.

Statute Being Implemented: RCW 74.04.055, 74.08.090, and 80.36.470.

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

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

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

No small business economic impact statement has been prepared under chapter 19.85 RCW. These proposed rules do not have an economic impact on small businesses. They only impact DSHS clients.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rules are exempt under RCW 34.05.328 (5)(b)(vii) and relate only to client medical or financial eligibility.

October 1, 2015
 Katherine I. Vasquez
 Rules Coordinator

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-273-0010 Purpose of the Washington telephone assistance program.
 WAC 388-273-0020 Who may receive Washington telephone assistance program (WTAP)?
 WAC 388-273-0025 Benefits you receive as a WTAP participant.
 WAC 388-273-0030 How you can apply for WTAP.
 WAC 388-273-0035 What we reimburse the local telephone company.

WSR 15-20-107
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed October 6, 2015, 1:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-17-111.

Title of Rule and Other Identifying Information: The department is amending WAC 388-310-0350 WorkFirst—Other exemptions from mandatory participation and 388-484-0006 TANF/SFA time limit extensions.

Hearing Location(s): Office Building 2, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>), on November 10, 2015, at 10:00 a.m.

Date of Intended Adoption: Not earlier than November 11, 2015.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., November 10, 2015.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, by October 27, 2015, phone (360) 664-6092, TTY (360) 664-6178, or e-mail KildaJA@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to amend these rules to clarify WorkFirst exemption medical evidence and treatment requirements, and to create a new type of TANF/SFA time limit extension for adults who are aged, blind, or disabled.

Reasons Supporting Proposal: The department is proposing to amend these rules to ensure statewide consistency and a clear understanding of the exemption criteria.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.08A.010.

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

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

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Miranda Adams, P.O. Box 45470, Olympia, WA 98504-5470, (360) 725-4769.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rules and concluded that no new costs will be imposed on affected small businesses or small nonprofit organizations.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rules are exempt under RCW 34.05.328 (5)(b)(vii) and relate only to client medical or financial eligibility.

October 1, 2015
Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-24-013, filed 11/18/10, effective 12/19/10)

WAC 388-310-0350 WorkFirst—Other exemptions from mandatory participation. (1) When am I exempt from mandatory participation?

Except as provided in subsection (4) of this section, you are exempt from mandatory participation if you are:

(a) A caretaker relative as defined by WAC (~~(388-484-0010)~~) 388-454-0010, included in the assistance unit and:

(i) You are fifty-five years of age or older and caring for a child and you are not the child's parent; and

(ii) Your age is verified by any reliable documentation (such as a birth certificate or a driver's license).

(b) An adult with a severe and chronic disability as defined below (~~(and)~~):

(i) You have been assessed by a DSHS SSI facilitator as likely to be approved for SSI or other benefits and are required to apply for SSI or another type of federal disability benefit (such as railroad retirement or Social Security disability) in your individual responsibility plan. Your SSI application status may be verified through the SSI facilitator and/or state data exchange; (~~(and)~~) or

(ii) Your disability is a severe and chronic mental, physical, emotional, or cognitive impairment that prevents you from participating in work activities for more than ten hours a week and is expected to last at least twelve months (~~(and~~

~~(iii))~~ Your disability and ability to participate (is) must be verified by documentation from the division of developmental disabilities (DDD), division of vocational rehabilitation (DVR), home and community services division (HCS), division of mental health (MHD), (~~and/or regional support network (RSN)~~) behavioral health organization (BHO), and/or regional service area (RSA), or evidence from (~~another~~) one of the medical or mental health professionals listed in subsection (2) of this section. (~~(and~~

~~(iv) Your SSI application status may be verified through the SSI facilitator and/or state data exchange.~~)

(c) Required in the home to care for a child with special needs when:

(i) The child has a special medical, developmental, mental, or behavioral condition; and

(ii) The child is determined by a public health nurse, (~~(physician, mental health provider,)~~) school professional, (~~(other)~~) one of the medical or mental health professionals listed in subsection (2) of this section, HCS, MHD, BHO, and/or a (~~(RSN)~~) RSA to require specialized care or treatment that prevents you from participating in work activities for more than ten hours per week.

(d) Required to be in the home to care for another adult with disabilities when:

(i) The adult with disabilities cannot be left alone for significant periods of time; and

(ii) No adult other than yourself is available and able to provide the care; and

(iii) The adult with the disability is related to you; and

(iv) You are unable to participate in work activities for more than ten hours per week because you are required to be in the home to provide care; and

(v) The disability and your need to care for your disabled adult relative is verified by documentation from DDD, DVR,

HCS, MHD, BHO and/or a ((RSN)) RSA, or evidence from ((another)) one of the medical or mental health professionals listed in subsection (2) of this section.

(2) What types of medical or mental health professionals can provide medical evidence when I have a disability?

We accept medical evidence from the following sources when considering disability:

(a) For a physical impairment:

(i) A physician, which includes:

(A) Medical doctor (M.D.); and

(B) Doctor of osteopathy (D.O.);

(ii) An advanced registered nurse practitioner (ARNP) for physical impairments;

(iii) A Physician's assistant (P.A.);

(iv) A Doctor of optometry (O.D.) for visual acuity impairments; or

(v) Doctor of podiatry (D.P.) for foot disorders;

(b) For a mental impairment:

(i) A psychiatrist;

(ii) A psychologist;

(iii) An ARNP certified in psychiatric nursing;

(iv) A mental health professional provided the person's training and qualifications at a minimum include a master's degree; or

(v) A physician who is currently treating you for a mental impairment.

(c) We do not accept medical evidence from the medical professionals listed in subsections (2)(a) and (b), unless they are licensed in Washington state or the state where the examination was performed.

(3) Who reviews and approves an exemption from participation?

(a) If it appears that you may qualify for an exemption or you ask for an exemption, your case manager or social worker will review the information and we may use the case staffing process to determine whether the exemption will be approved. Case staffing is a process to bring together a team of multidisciplinary experts including relevant professionals and the client to identify participant issues, review case history and information, and recommend solutions.

(b) If additional medical or other documentation is needed to determine if you are exempt, your IRP will allow between thirty days and up to ninety if approved to gather the necessary documentation.

(c) Information needed to verify your exemption should meet the standards for verification described in WAC 388-490-0005. If you need help gathering information to verify your exemption, you can ask us for help. If you have been identified as needing NSA services, under chapter 388-472 WAC, your accommodation plan should include information on how we will assist you with getting the verification needed.

(d) After a case staffing, we will send you a notice that tells you whether your exemption was approved, how to request a fair hearing if you disagree with the decision, and any changes to your IRP that were made as a result of the case staffing.

((3)) (4) If I am an adult who is exempt due to my severe and chronic disability, can I still be required to participate in the WorkFirst program?

When you are exempt due to your severe and chronic disability, you may be required to:

(a) Pursue SSI or another type of federal disability benefit; and/or

(b) Participate in available treatment that is recommended by your treating medical or mental health provider or by a chemical dependency professional.

(5) Can I participate in WorkFirst while I am exempt?

(a) You may choose to fully participate in WorkFirst while you are exempt.

(b) Your WorkFirst case manager may refer you to other service providers who may help you improve your skills and move into employment.

(c) If you decide later to stop participating, and you still qualify for an exemption, you will be put back into exempt status with no financial penalty.

((4)) (6) Does an exemption from participation affect my sixty-month time limit for receiving TANF/SFA benefits?

Even if exempt from participation, each month you receive a TANF/SFA grant counts toward your sixty-month limit as described in WAC 388-484-0005.

((5)) (7) How long will my exemption last?

Unless you are an older caretaker relative, your exemption will be reviewed at least every twelve months to make sure that you still meet the criteria for an exemption. Your exemption will continue as long as you continue to meet the criteria for an exemption.

((6)) (8) What happens when I am no longer exempt?

If you are no longer exempt, then:

(a) You will become a mandatory participant under WAC 388-310-0400; and

(b) If you have received sixty or more months of TANF/SFA, your case will be reviewed for an extension. (See WAC 388-484-0006 for a description of TANF/SFA time limit extensions.)

((7)) (9) For time-limited extensions, see WAC 388-484-0006.

AMENDATORY SECTION (Amending WSR 12-05-039, filed 2/10/12, effective 3/12/12)

WAC 388-484-0006 TANF/SFA time limit extensions. (1) What happens after I receive sixty or more months of TANF/SFA cash assistance?

After you receive sixty or more months of TANF/SFA cash assistance according to WAC 388-484-0005, you may qualify for additional months of cash assistance. We call these additional months of TANF/SFA cash assistance a hardship TANF/SFA time limit extension.

(2) Who is eligible for a hardship TANF/SFA time limit extension?

You are eligible for a hardship TANF/SFA time limit extension if you are on TANF, are otherwise eligible for

TANF, or are an ineligible parent, and you have received sixty cumulative months of TANF and:

(a) You are approved for one of the exemptions from mandatory participation according to WAC 388-310-0350 (1)(a) through (d) or you are an ineligible parent who meets the criteria for an exemption from mandatory WorkFirst participation; or

(b) You:

(i) Are a supplemental security income recipient or a Social Security disability insurance recipient; or

(ii) Are at least sixty-five years old, blind as defined by the Social Security Administration or disabled as determined under chapter 388-449 WAC; or

(iii) Have an open child welfare case with a state or tribal government and this is the first time you have had a child dependent under RCW 13.34.030 in this or another state or had a child a ward of a tribal court; or

~~((iii))~~ (iv) Are working in unsubsidized employment for thirty-two hours or more per week; or

~~((iv))~~ (v) Document that you meet the family violence option criteria in WAC 388-61-001 and are participating satisfactorily in specialized activities needed to address your family violence according to a service plan developed by a person trained in family violence or have a good reason, as described in WAC 388-310-1600(3) for failure to participate satisfactorily in specialized activities.

(3) Who reviews and approves a hardship time limit extension?

(a) Your case manager or social worker will review your case and determine whether a hardship time limit extension type will be approved.

(b) This review will not happen until after you have received at least fifty-two months of assistance but before you reach your time limit or lose cash assistance due to the time limit.

(c) Before you reach your time limit or lose cash assistance due to the time limit, the department will send you a notice that tells you whether a hardship time limit extension will be approved when your time limit expires and how to request an administrative hearing if you disagree with the decision.

(4) When I have an individual responsibility plan, do my WorkFirst participation requirements change when I receive a hardship TANF/SFA time limit extension?

(a) Even if you qualify for a hardship TANF/SFA time limit extension you will still be required to participate as required in your individual responsibility plan (WAC 388-310-0500). You must still meet all of the WorkFirst participation requirements listed in chapter 388-310 WAC while you receive a hardship TANF/SFA time limit extension.

(b) If you do not participate in the WorkFirst activities required by your individual responsibility plan, and you do not have a good reason under WAC 388-310-1600, the department will follow the sanction rules in WAC 388-310-1600.

(5) Do my benefits change if I receive a hardship TANF/SFA time limit extension?

(a) You are still a TANF/SFA recipient or an ineligible parent who is receiving TANF/SFA cash assistance on behalf of your child and your cash assistance, services, or supports

will not change as long as you continue to meet all other TANF/SFA eligibility requirements.

(b) During the hardship TANF/SFA time limit extension, you must continue to meet all other TANF/SFA eligibility requirements. If you no longer meet TANF/SFA eligibility criteria during your hardship time limit extension, your benefits will end.

(6) How long will a hardship TANF/SFA time limit extension last?

(a) We will review your hardship TANF/SFA time limit extension and your case periodically for changes in family circumstances:

(i) If you are extended under WAC 388-484-0006 (2)(a), (2)(b)(i) or (2)(b)(ii) then we will review your extension at least every twelve months;

(ii) If you are extended under WAC 388-484-0006 (2)(b)(iii), (iv), or (v) then we will review your extension at least every six months.

(b) Your hardship TANF/SFA time limit extension may be renewed for as long as you continue to meet the criteria to qualify for a hardship time limit extension.

(c) If during the extension period we get proof that your circumstances have changed, we may review your case and determine if you continue to qualify for a hardship TANF/SFA time limit extension. When you no longer qualify for a hardship TANF/SFA time limit extension we will stop your TANF/SFA cash assistance. You will be notified of your case closing and will be given the opportunity to request an administrative hearing before your benefits will stop.

WSR 15-20-109

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed October 6, 2015, 2:05 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-16-103.

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-310-1300 Community jobs.

Hearing Location(s): Office Building 2, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>), on November 10, 2015, at 10:00 a.m.

Date of Intended Adoption: Not earlier than November 11, 2015.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., November 10, 2015.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, by October 27, 2015, phone (360) 664-6092, TTY (360) 664-6178, or e-mail KildaJA@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposed rule amends language to allow part-time participation in the community jobs program for single parents and caretaker relatives with a child under the age of six.

Reasons Supporting Proposal: The department is proposing to amend this rule to increase opportunities for WorkFirst participation.

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

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

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

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Miranda Adams, P.O. Box 45470, Olympia, WA 98504-5470, (360) 725-4769.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules do not impact small business or nonprofits. They only affect DSHS clients.

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

October 1, 2015
Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-17-090, filed 8/18/15, effective 10/1/15)

WAC 388-310-1300 Community jobs. (1) What is the community jobs program?

Community jobs is a paid work experience that assists you to gain work skills and experience. You are placed in a community job (up to twenty hours per week) where your wages are paid by the community jobs program. If you participate in the program, you are eligible for support services that assist you in moving into a job where your employer pays all your wages.

(2) What is career jump?

Career jump offers job-ready community jobs participants an opportunity to gain paid work experience that leads to a permanent job. This program is a subset of community jobs and will be referred to as such. Career jump places you in a part time (up to twenty hours per week), community job where your earnings are paid by the community jobs program, for up to five months, at which time you will transition to the employer's payroll. You will be provided with support services to assist you in retaining your job through the ninth month of the program. At or before the fifth month, the employment opportunity will be above minimum wage, thirty-two or more hours per week and include wage progression and benefits comparable to other employees.

(3) Who administers the community jobs program?

The department of commerce (commerce) administers the community jobs program. Commerce contracts with local agencies throughout the state, known as community jobs con-

tractors who develop and manage the community jobs positions, pay the wages, provide support services and act as the "employer of record" while you are enrolled in a community job.

(4) What types of work sites are used to provide community jobs?

The following work sites may be used to provide community jobs:

(a) Federal, state or local governmental agencies and tribal governments;

(b) Private and tribal nonprofit businesses, organizations and educational institutions;

(c) Private for profit businesses for career jump placements.

(5) What are the requirements for the work sites?

Work sites for community jobs and career jump:

(a) Must assist in strengthening work ethics, improve workplace skills and help you gain skills to move into a job where the employer pays all your wages. If they do not meet this requirement, they will not be considered for additional community jobs/career jump placements.

(b) We will follow the employment rules described in WAC 388-310-1500. In any situation where training is inconsistent with the terms of a collective bargaining agreement, your community jobs contractor will obtain written approval from the labor organization concerned. Career jump employers will remain neutral with regard to neutralization in the worksite.

(c) You will not be required to do work related to religious, electoral or partisan political activities.

(6) What are the benefits of community jobs?

You benefit from community jobs by:

(a) Learning work skills;

(b) Getting work experience;

(c) Working twenty hours per week, while being paid federal, state, or local minimum wage, whichever is higher; and

(d) Earning paid personal leave as determined by commerce.

(7) How do I get into community jobs?

You will be placed into community jobs after you and your DSHS case manager decide:

(a) You would benefit from community jobs after you have participated in job search without finding a job; and/or

(b) You need a supportive work environment to help you become more employable.

(8) What happens after I am placed in the community jobs program?

When you are placed in the community jobs program by DSHS:

(a) You will be assigned to a community job by the community jobs contractor for no more than nine months. You will work twenty hours a week and participate in any other unpaid activities (~~for twelve to twenty additional hours per week~~) as required in your individual responsibility plan(;) for:

(i) Three additional hours per week when you are a single parent or caretaker relative with a child under six.

(ii) Twelve to twenty additional hours per week when you do not meet the criteria in (8)(a)(i).

(b) Your placement in community jobs will be reviewed by your DSHS case manager every three months during your nine-month placement for the following:

(i) To ensure you are TANF/SFA eligible; and
 (ii) To verify any earned or unearned income received by you or another member of your assistance unit (that is, you and other people in your household who are included on your cash grant).

(c) Your community jobs contractor will review your case each month to ensure you are following your IRP and IDP, participating full time, and becoming more employable because of your community job;

(d) If you request a different community jobs placement, we do not consider your request a refusal to participate without good cause under WAC 388-310-1600. You may be asked to explain why you want a different placement;

(e) Grievance policies are in place for your protection. You will be required to sign an acknowledgment that you received a copy of this policy at the time of placement with the employer.

(9) How does community jobs affect my TANF benefits?

The amount of your TANF/SFA monthly grant will be determined by following the rules in WAC 388-450-0050 and 388-450-0215 (1), (3), (4), (5) and (6). WAC 388-450-0215(2), does not apply to your community jobs wages.

(10) What can I expect from my career jump placement?

(a) You cannot represent more than ten percent of the total labor force for an employer that has ten or more employees.

(b) No more than one community jobs participant shall be allowed per private for profit worksite supervisor.

(c) You will participate in developing a career progression plan that will include health care benefits comparable to other employees.

(d) You may be eligible for unemployment benefits if you have participated in community jobs' career jump and have worked at least six hundred eighty hours in a base year. You will gain unemployment insurance credits for all hours worked under your career jump placement.

(e) Your employer and your community jobs contractor will be required to follow commerce's contractual agreements for career jump.

**WSR 15-20-112
 PROPOSED RULES
 DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed October 6, 2015, 2:44 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-08-014.

Title of Rule and Other Identifying Information: The department is amending WAC 388-71-0515 What are the

responsibilities of an individual provider when providing services to a client?

Hearing Location(s): Office Building 2, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>), on November 10, 2015, at 10:00 a.m.

Date of Intended Adoption: Not earlier than November 11, 2015.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., November 10, 2015.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, by October 27, 2015, TTY (360) 664-6178, (360) 664-6092, or e-mail Kildaja@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is amending WAC 388-71-0515(11) to modify the language so that it will accurately reflect a change in the way individual providers will report the time they have worked. This change is based on payment moving from the social services payment system to the provider compensation subsystem that will be implemented in 2016.

Reasons Supporting Proposal: This change will amend WAC 388-71-0515 to accurately reflect that [the] way individual providers will report the time they have worked.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Statute Being Implemented: RCW 74.08.090, 74.09.520.

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

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

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Stacy Graff, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2533.

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

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

October 1, 2015
 Katherine I. Vasquez
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 13-02-023, filed 12/20/12, effective 1/20/13)

WAC 388-71-0515 What are the responsibilities of an individual provider when providing services to a client? (1) An individual provider must:

((+)) (a) Take direction from the client, who is the IP's employer, or when appropriate, from the client's legal representative;

~~((2))~~ (b) Understand the client's plan of care that has been signed by the client or legal representative, which may be translated or interpreted, as necessary, and as requested by the client;

~~((3))~~ (c) Provide the services as outlined on the client's plan of care, as described in WAC 388-106-0010, according to the client's direction, supervision, and prioritization of tasks within the number of hours authorized;

~~((4))~~ (d) Accommodate the client's individual preferences and unique needs in providing care;

~~((5))~~ (e) Contact the client, client's representative and case manager when there are changes that affect the personal care and other tasks listed on the plan of care;

~~((6))~~ (f) Observe and consult with the client or client's representative, regarding change(s) in health, take appropriate action, and respond to emergencies;

~~((7))~~ (g) Notify the case manager immediately when the client enters a hospital, or moves to another setting;

~~((8))~~ (h) Notify the case manager immediately in the event of the client's death;

~~((9))~~ (i) Notify the department or AAA immediately when unable to staff/serve the client;

~~((10))~~ (j) Notify the department/AAA when the individual provider will no longer provide services. The individual provider must:

(i) Give at least two weeks' notice, and

(ii) Notify the client or the client's representative in writing: and

(iii) Notify the client's case manager.

~~((11))~~ (k) Complete and ~~((keep))~~ submit an accurate ~~((time sheets))~~ record of authorized ~~((paid))~~ hours ~~((that are accessible to the social worker/case manager))~~ worked in order to be paid by the department under WAC 388-106-0130, the department does not pay for shared benefit(s) or informal support provided to the client by anyone, including the IP; and

~~((12))~~ (l) Comply with all applicable laws, regulations, and the individual provider contract.

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

WSR 15-20-113

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed October 6, 2015, 2:53 p.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: The department is amending WAC 388-101-3000, 388-101-4190, 388-101-4200 and 388-101-4240; repealing WAC 388-101-4210, 388-101-4220 and 388-101-4230; and creating WAC 388-101-3202, 388-101-3259, 388-101-4175, 388-101-4180,

388-101-4185, 388-101-4205, 388-101-4515, 388-101-4525, and 388-101-4535.

Hearing Location(s): Office Building 2, DSHS Headquarters, 1115 Washington, Olympia, WA 98504 (public parking at 11th and Jefferson. A map is available at <http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>), on November 24, 2015, at 10:00 a.m.

Date of Intended Adoption: Not earlier than November 25, 2015.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., November 24, 2015.

Assistance for Persons with Disabilities: Contact Jeff Kildahl, DSHS rules consultant, by November 11, 2015, phone (360) 664-6092, TTY (360) 664-6178, or e-mail KildaJA@dshs.wa.gov.

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

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

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

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

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Comments and recommendations were received from the board of appeals regarding statutory language. These recommended changes will be incorporated into these proposed rules once all comments are received through the public hearing process.

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

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Penelope Rarick, Olympia, (360) 725-3210.

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

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

September 30, 2015
Katherine I. Vasquez
Rules Coordinator

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 15-21 issue of the Register.

WSR 15-20-118
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed October 7, 2015, 8:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-13-127.

Title of Rule and Other Identifying Information: Chapter 16-86 WAC, Cattle and bison diseases in Washington state.

Hearing Location(s): Central Washington University, 400 East University Way, Sue Lombard Hall, Ellensburg, WA 98926, on November 17, 2015, at 11:00 a.m.; and at the Natural Resources Building, 1111 Washington Street S.E., Second Floor, Conference Room 259, Olympia, WA 98504, on November 18, 2015, at 9:00 a.m.

Date of Intended Adoption: December 18, 2015.

Submit Written Comments to: Teresa Norman, P.O. Box 42560, Olympia, WA 98504-2560, e-mail WSDARulesComments@agr.wa.gov, fax (360) 902-2092, by 5:00 p.m., November 18, 2015.

Assistance for Persons with Disabilities: Contact Washington state department of agriculture (WSDA) receptionist by November 13, 2015, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department proposes to amend chapter 16-86 WAC to:

- Change the virgin bull age from twelve months to eighteen months and remove the weight notation of "less than eight hundred pounds."
- Add that the age verification of a virgin bull can be made by breed registration documents.
- Add a requirement that the virgin bull status is verified by a statement and a signature by the owner or owner's designee.
- Add a requirement that bulls presented at a public livestock market must be sampled for trichomoniasis prior to leaving the market and not be turned out with female cattle until confirmed negative test results are reported.
- Add a requirement that each bull sampled be identified with a current year trichomoniasis tag and a USDA approved official identification tag.

Reasons Supporting Proposal: These rule amendments are necessary to prevent the spread of infectious and communicable diseases in Washington livestock, align with neighboring states' regulations, and reduce the regulatory burden on industry to facilitate the flow of commerce.

Statutory Authority for Adoption: RCW 16.36.040 and chapter 34.05 RCW.

Statute Being Implemented: Chapter 16.36 RCW.

Rule is not necessitated by federal law, federal or state court decision. Title 9 Code of Federal Regulations.

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

Name of Agency Personnel Responsible for Drafting and Implementation: Dr. Joe Baker, Olympia, (360) 902-1881; and Enforcement: David Bangart, Olympia, (360) 902-1946.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 19.85.030(1) requires that the Washington state department of agriculture prepare a small business economic impact statement (SBEIS) if proposed rules will impose more than minor costs on affected businesses or industry. The department has analyzed the economic effects of the proposed revisions and has concluded that they do not impose more than minor costs on small businesses in the regulated industry, and, therefore, a formal SBEIS is not required.

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

October 7, 2015
Lynn M. Briscoe
Assistant Director

AMENDATORY SECTION (Amending WSR 15-02-028, filed 12/30/14, effective 1/30/15)

WAC 16-86-005 Definitions. In addition to the definitions found in RCW 16.36.005, the following definitions apply to this chapter:

"Accredited veterinarian" means a veterinarian licensed to practice veterinary medicine, surgery, and dentistry in the state of Washington and approved by the United States Department of Agriculture (USDA) Veterinary Services to participate in state-federal cooperative programs.

"Adult vaccination tattoo" means a tattoo in the right ear with the letters RAV followed by the last digit of the year in which the vaccination was administered with RB-51 *Brucella* vaccine. An example is RAV2 for an adult vaccinated in 2012.

"Breed registry tattoo" means individual registry tattoos issued by breed associations.

"Brucellosis vaccine" means only those *Brucella abortus* products that are approved by and produced under license of the USDA for injection into cattle to enhance their resistance to brucellosis.

"Calfhood vaccination tattoo" means a tattoo in the right ear consisting of an R, the United States registered V-shield, and the last digit of the year in which the animal was vaccinated with RB-51 *Brucella* vaccine. An example is RV-shield2 for a calf vaccinated in 2012.

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

"Director" means the director of WSDA or the director's authorized representative.

"Herd plan" means a written management agreement between the animal owner and the state veterinarian, with possible input from a private accredited veterinarian designated by the owner, in which each participant agrees to undertake actions specified in the herd plan to control the spread of infectious, contagious, or communicable disease within and from an infected herd and to work toward eradicating the disease in the infected herd.

"Official calthood vaccinate" means female cattle between four and twelve months of age that are vaccinated with brucellosis vaccine at a calthood dose (2cc subcutaneously) and officially individually identified.

"Official individual identification" means identifying an animal using USDA-approved devices or methods or an alternative form of identification agreed upon by the sending and receiving states, such as unique breed registry tattoos when accompanied by registration documentation. A group of animals may be identified by registered brands when accompanied by a certificate of inspection from a brand inspection authority recognized by the director when agreed upon by the sending and receiving states.

"Official Washington adult vaccinate" means female cattle over the age of twelve months that have resided in Washington state for ninety days or more and are vaccinated with a dose of brucellosis vaccine (2cc subcutaneously) under directions issued by the director.

"Premises" means a location where livestock are kept.

"Timed events" means competitive events that take place where time elapsed is the factor that determines the placing of individuals competing in the event.

"USDA" means the United States Department of Agriculture.

"Virgin bull" means a sexually intact male bovine (~~less than eight hundred pounds and~~) less than ~~((twelve))~~ eighteen months of age, as determined by dentition inspection by an accredited veterinarian (~~(- Virgin bulls must be certified by the owner or the owner's designee with a signed statement as having had no breeding contact with female cattle))~~ or verified by breed registration documents, that is confirmed by a statement and the signature of the owner or the owner's designee as having had no breeding contact with female cattle.

AMENDATORY SECTION (Amending WSR 12-21-009, filed 10/5/12, effective 11/5/12)

WAC 16-86-114 Trichomoniasis testing at public livestock markets. (1) (~~(Bulls presented at a public livestock market that are less than eight hundred pounds and judged to be less than twelve months of age by the market veterinarian using dentition inspection))~~ Virgin bulls, as defined in WAC 16-86-005, that are presented at a public livestock market are exempt from trichomoniasis testing.

(2) (~~(Bulls presented at a public livestock market that are less than eight hundred pounds and determined to be more than twelve months of age by the market veterinarian using dentition inspection))~~ All other bulls must be ((tested)):

• Sampled for trichomoniasis((:)) prior to leaving the market and not be turned out with female cattle until confirmed negative test results are reported; or ~~((be))~~

• Castrated prior to leaving the market((:)); or ~~((be))~~

• Sent to a category 2 restricted holding facility as defined in WAC 16-30-035((:)); or ~~((be))~~

• Delivered directly to a USDA-inspected slaughter facility.

AMENDATORY SECTION (Amending WSR 15-02-028, filed 12/30/14, effective 1/30/15)

WAC 16-86-115 Trichomoniasis in Washington cattle. (1) Any sexually intact bovine, except for bison, that is found test-positive for trichomoniasis, and any herd in which one or more bulls or cows are found test-positive for trichomoniasis, is considered infected. Test-positive means a positive result on a quantitative polymerase chain reaction (qPCR) test for trichomoniasis.

(2) In the case of infected sexually intact bovine, the herd shall be quarantined pending an epidemiological investigation to determine the source of the infection.

(3) All exposed herds will be identified by an accredited veterinarian in conjunction with the department. An exposed herd is defined as a cattle herd which has had, within the past twelve months, direct commingling or cross-fence contact with an infected herd during a time of potential breeding activity. The owner of exposed herds will be notified of the possible exposure and requested to test the herd using a qPCR test. All testing will be at the owner's expense.

(4)(a) Infected bulls will be quarantined and branded high on the tail head by the department with a USDA regulatory S-brand, and will not be used for breeding.

(b) Infected bulls must be slaughtered, sold for slaughter, ~~((sent to a restricted feedlot,))~~ or sent to a category 2 restricted holding facility to remain in slaughter channels. Infected bulls shall only be moved when accompanied by a USDA form VS 1-27.

(c) (~~(Bulls of unknown origin or unknown breeding history offered for sale at a livestock market must be:~~

(i) ~~Castrated prior to leaving the market; or~~

(ii) ~~Tested negative for trichomoniasis by a qPCR test before being turned out with breeding stock; or~~

(iii) ~~Sold for slaughter; or~~

(iv) ~~Sent to a category 2 restricted holding facility to remain in slaughter channels.~~

~~((d))~~ A nonpregnant female, with no calf at side, which is identified by the owner as being from an infected herd and is offered for sale at a livestock market, must remain in slaughter channels.

(5) The quarantine will be removed when all remaining bulls in the herd test negative to a second qPCR test for trichomoniasis and following proof of removal of infected bulls. Bulls must have a minimum of two negative qPCR tests at least one week apart for quarantine release. All bulls from infected herds, except virgin bulls, will be tested using a qPCR test the following trich-year before breeding. A trich-year means the period from September 1st to August 31st of any given year. Bulls from infected herds may not have to be tested the following trich-year if a herd plan has been approved by the state veterinarian.

(6) Information that cattle have tested positive for trichomoniasis may be supplied to county extension agents, accredited veterinarians, and industry representatives. Each month,

the department may publish a press release of counties that have infected herds.

AMENDATORY SECTION (Amending WSR 10-20-093, filed 9/30/10, effective 10/31/10)

WAC 16-86-116 Duties of certified, accredited veterinarians—Training requirement for veterinarians performing trichomoniasis testing in cattle. (1) Effective January 1, 2011, accredited veterinarians may not perform official trichomoniasis testing of bulls in Washington state until they are certified to do so by having successfully completed training and passed a proficiency examination provided by the department.

(2) All official trichomoniasis testing of bulls in Washington state shall be performed by a certified, accredited veterinarian.

(3) ~~((A schedule of))~~ Information on training opportunities is available by contacting the department at:

Washington State Department of Agriculture
Animal Services Division
1111 Washington Street S.E.
P.O. Box 42577
Olympia, Washington 98504-2577
360-902-1878

(4) Certified veterinarians shall utilize only official laboratories recognized by the state veterinarian for testing trichomoniasis samples. Positive test results will be sent to the department by the next business day.

(5)(a) Quantitative polymerase chain reaction (qPCR) is the test method for official tests accepted by the department.

(b) An official test is one in which the sample is collected by a certified veterinarian and received in the official laboratory in good condition within forty-eight hours of collection. Samples in transit for more than forty-eight hours or have been frozen or exposed to high temperatures will not be accepted for official testing. All samples shipped to the laboratory must be in ~~((pouch media, lactated Ringer's solution, or in normal saline solution))~~ a transport medium approved by the testing laboratory. All sampling will be obtained by pipette scrapings from the prepuce and glans of a bull.

(6) Each sampled bull shall have a current-year Washington trichomoniasis tag and a USDA-approved official identification tag applied. If a bull already bears an official identification tag at the time of sampling, the individual identification number on that device shall be recorded. Both tag numbers should be recorded on the laboratory submission form so that testing and results can be verified by either number. Additional official individual identification must not be applied.

(7) A trichomoniasis testing year is defined as September 1st through August 31st.

**WSR 15-20-119
PROPOSED RULES
DEPARTMENT OF AGRICULTURE**

[Filed October 7, 2015, 8:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-13-126.

Title of Rule and Other Identifying Information: Chapter 16-54 WAC, Animal importation.

Hearing Location(s): Central Washington University, 400 East University Way, Sue Lombard Hall, Ellensburg, WA 98926, on November 17, 2015, at 11:00 a.m.; and at the Natural Resources Building, 1111 Washington Street S.E., Second Floor, Conference Room 259, Olympia, WA 98504, on November 18, 2015, at 9:00 a.m.

Date of Intended Adoption: December 18, 2015.

Submit Written Comments to: Teresa Norman, P.O. Box 42560, Olympia, WA 98504-2560, e-mail WSDARulesComments@agr.wa.gov, fax (360) 902-2092, by 5:00 p.m., November 18, 2015.

Assistance for Persons with Disabilities: Contact Washington state department of agriculture (WSDA) receptionist by November 13, 2015, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department proposes to amend chapter 16-54 WAC to:

- Change the virgin bull age from twelve months to eighteen months and remove the weight notation of "less than eight hundred pounds."
- Add that the age verification of a virgin bull can be made by breed registration documents.
- Add a requirement that the virgin bull status is verified by a statement and a signature by the owner or owner's designee.

Reasons Supporting Proposal: These rule amendments are necessary to prevent the spread of infectious and communicable diseases in Washington livestock, align with neighboring states' regulations, and reduce the regulatory burden on industry to facilitate the flow of commerce.

Statutory Authority for Adoption: RCW 16.36.040 and chapter 34.05 RCW.

Statute Being Implemented: Chapter 16.36 RCW.

Rule is not necessitated by federal law, federal or state court decision. Title 9 Code of Federal Regulations.

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

Name of Agency Personnel Responsible for Drafting and Implementation: Dr. Joe Baker, Olympia, (360) 902-1881; and Enforcement: David Bangart, Olympia, (360) 902-1946.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 19.85.030(1) requires that the Washington state department of agriculture prepare a small business economic impact statement (SBEIS) if proposed rules will impose more than minor costs on affected businesses or industry. The department has analyzed the economic effects of the proposed revisions and has concluded that they do not impose more than minor costs on

small businesses in the regulated industry, and, therefore, a formal SBEIS is not required.

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

October 7, 2015
Lynn M. Briscoe
Assistant Director

AMENDATORY SECTION (Amending WSR 15-02-025, filed 12/30/14, effective 1/30/15)

WAC 16-54-010 Definitions. In addition to the definitions found in RCW 16.36.005, the following definitions apply to this chapter:

"Accredited free state" means a state that has been determined by United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) to have a zero prevalence of cattle and bison herds affected with bovine tuberculosis as listed in Title 9 C.F.R. Part 77.7 (January 1, 2014).

"Approved veterinary laboratory" means a laboratory that has been approved by National Veterinary Services Laboratories or other USDA, APHIS-approved facility.

"Certificate of veterinary inspection" means a legible veterinary health inspection certificate on an official form (electronic or paper) from the state of origin or from USDA, APHIS executed by a licensed and accredited veterinarian or a veterinarian approved by USDA, APHIS. The certificate of veterinary inspection is also known as an "official health certificate."

"Class free and Class A, B, and C states" means states that are classified for brucellosis by USDA, APHIS in Title 9 C.F.R. Part 78.41 (January 1, 2014).

"Consigned" means to deliver for custody or sale.

"Dairy cattle" means all cattle, regardless of age or sex or current use, that are of a breed used to produce milk or other dairy products for human consumption including, but not limited to, Ayrshire, Brown Swiss, Holstein, Jersey, Guernsey, and Milking Shorthorn.

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

"Director" means the director of WSDA or the director's authorized representative.

"Domestic bovine" means domesticated cattle, including bison.

"Domestic equine" means horses, donkeys, mules, ponies, and other animals in the *Equidae* family.

"Entry permit" means prior written permission issued by the director to admit or import animals or animal reproductive products into Washington state.

"Exotic animal" means species of animals that are not native to Washington state but exist elsewhere in the world in the wild state.

"Feral swine" means animals included in any of the following categories:

- Animals of the genus *Sus* that are free roaming on public or private lands and do not appear to be domesticated;
- Swine from domesticated stocks that have escaped or been released or born into the wild state;

- European wild hogs and their hybrid forms (also known as European wild boars or razorbacks), regardless of whether they are free roaming or kept in confinement; or

- Animals of the family *Tayassuidae* such as peccaries and javelinas, regardless of whether they are free roaming or kept in confinement.

"Immediate slaughter" means livestock will be delivered to a federally inspected slaughter facility within twelve hours of entry into Washington state.

"Mature vaccinate" means a female bovine over the age of twelve months that has been vaccinated, under directions issued by the state of origin, with a mature dose of brucellosis vaccine.

"Modified accredited state" means a state that has been determined by USDA, APHIS to have a prevalence of bovine tuberculosis of less than 0.1 percent of the total number of herds of cattle and bison as listed in Title 9 C.F.R. Part 77.11 (January 1, 2014).

"Movement permit" means an entry permit that is valid for six months and permits the entry of domestic equine into Washington state.

"NPIP" means the National Poultry Improvement Plan.

"Official brucellosis test" means the official test defined by Title 9 C.F.R. Part 78.1 (January 1, 2014).

"Official brucellosis vaccinate" means an official adult vaccinate or official calfhooch vaccinate as defined by Title 9 C.F.R. Part 78.1 (January 1, 2014).

"Official individual identification" means identifying an animal using USDA-approved devices or methods, or an alternative form of identification agreed upon by the sending and receiving states, such as unique breed registry tattoos when accompanied by registration documentation. A group of animals may be identified by registered brands when accompanied by a certificate of inspection from a brand inspection authority recognized by the director when agreed upon by the sending and receiving states.

"Poultry" means chickens, turkeys, ratites, waterfowl, game birds, pigeons, doves, and other domestic fowl.

"Psittacine" means birds belonging to the family *Psittacidae* including, but not limited to, parrots, macaws, and parakeets.

"Restricted feedlot" means a feedlot holding a permit issued under chapter 16-30 WAC.

"Restricted holding facility" means an isolated area approved and licensed by the director, as advised by the state veterinarian.

"Stage I, II, III, IV, or V pseudorabies state" means states as classified by the Pseudorabies Eradication State-Federal-Industry Program Standards (November 1, 2003).

"USDA, APHIS" means the United States Department of Agriculture Animal and Plant Health Inspection Service.

"Virgin bull" means a sexually intact male bovine less than ~~((eight hundred pounds and less than twelve))~~ eighteen months of age, as determined by dentition inspection by an accredited veterinarian or verified by breed registration documents, that is ((certified)) confirmed by a statement and the signature of the owner or the owner's designee as having had no breeding contact with female cattle.

"Wild animals" is defined in RCW 77.08.010(61).

AMENDATORY SECTION (Amending WSR 15-02-025, filed 12/30/14, effective 1/30/15)

WAC 16-54-086 Bovine trichomoniasis requirements. (1) **Bulls** (except bison) may be imported into the state of Washington if they meet the following requirements:

(a) The bulls originate from a herd wherein all bulls have tested negative for bovine trichomoniasis since they were removed from female cattle; or

(b) The bulls have tested negative to a bovine trichomoniasis quantitative polymerase chain reaction (qPCR) test within sixty days before import and have had no contact with female cattle from the time of the test to the time of import; or

(c) Rodeo bulls for timed events and bucking bulls have tested negative for bovine trichomoniasis within the past twelve months and have a statement on the certificate of veterinary inspection certifying that the bulls have had no female breeding contact; or

(d) If the bulls originate from a herd where one or more bulls or cows have been found infected with bovine trichomoniasis **within the past twelve months**, the bulls must have two negative qPCR tests one week apart. The samples for each test must be collected within thirty days before cattle are imported into Washington state, and an import permit must be obtained from the director and include a certifying statement that the bulls originated from an infected herd.

(2) Laboratory pooled qPCR samples collected from up to five bulls will be accepted if the following conditions are met:

(a) Bulls are ~~((twelve))~~ eighteen months of age and older that cannot be ~~((designated))~~ exempted as virgin bulls under WAC 16-54-010, and which have had no breeding contact with female(s) cattle; and

(b) Bulls originate from a herd where there is no history of trichomoniasis infection, and are part of a single herd, not assembled cattle; and

(c) Bulls are sampled for a ~~((herd))~~ diagnostic test without regulatory implications or are not part of a ~~((disease))~~ trichomoniasis investigation.

(3) Before arrival at their destination in Washington state, all imported bulls must be identified with official identification or an official trichomoniasis bangle tag.

(4) Bulls that enter Washington state without meeting the bovine trichomoniasis requirements of this section will be subject to a quarantine order or a hold order at the owner's expense until they have had two negative qPCR tests one week apart.

(5)(a) Any bull or cow that is positive to a trichomoniasis test, and any herd in which one or more bulls or cows are found infected with trichomoniasis is considered infected.

(b) In the case of bulls testing positive to trichomoniasis, the herd shall be subject to a quarantine order or a hold order pending an epidemiological investigation to determine the source of the infection, and as long as infection persists in the herd.

(c) Infected bulls will be subject to a quarantine order or a hold order and will not be used for breeding. They must be slaughtered, sold for slaughter, or sent to a restricted feedlot or category 2 restricted holding facility to remain in slaughter channels.

(6) **Certification and proficiency testing and types of tests.** The state veterinarian will determine trichomoniasis training for veterinarians and laboratories, and the types of tests used to determine trichomoniasis infection. All sampling will be obtained by pipette scrapings from the prepuce and glans of a bull.

(a) All trichomoniasis testing of bulls in Washington state shall be performed by a veterinarian accredited by the USDA APHIS. In addition, all accredited veterinarians testing bulls in Washington state for trichomoniasis are required to successfully complete training and pass a trichomoniasis testing procedure proficiency examination provided by the department. Effective January 1, 2011, accredited veterinarians may not perform official trichomoniasis testing of bulls in Washington state until they have successfully completed the training and passed the proficiency examination.

A schedule of training opportunities is available by contacting the department at:

Washington State Department of Agriculture
Animal Services Division
1111 Washington Street S.E.
P.O. Box 42577
360-902-1878

(b) Registered veterinarians shall only utilize official laboratories recognized by the state veterinarian for testing of trichomoniasis samples.

(c) Registered veterinarians collecting samples in the state of Washington shall submit results of all trichomoniasis tests and all official identification on official trichomoniasis test and report forms to the animal services division within five business days of receiving test results from an approved laboratory ~~((or identifying virgin bulls with official trichomoniasis bangle tags))~~.

(d)(i) Polymerase chain reaction is accepted as an official test when completed by an approved laboratory and when the sample is received by the laboratory within forty-eight hours of collection.

(ii) Other tests for trichomoniasis may be approved as official tests by the state veterinarian after the tests have been proven effective by research, have been evaluated sufficiently to determine efficacy, and a protocol for use of the test has been established.

(iii) An official test is one in which the sample is received in the approved laboratory in good condition within forty-eight hours of collection. Samples in transit for more than forty-eight hours will not be accepted for official testing and must be discarded. Samples that have been frozen or exposed to high temperatures must also be discarded.

Exemptions to bovine trichomoniasis test requirements.

(7) Virgin bulls, as defined in WAC 16-54-010 are exempt from bovine trichomoniasis test requirements. ~~((If sold, virgin bulls must be officially identified and accompanied by a certificate signed by the owner or the owner's designee that they have had no breeding contact with female cattle. "Virgin bull" means a sexually intact male bovine less than eight hundred pounds and less than twelve months of age, as determined by dentition inspection by an accredited veterinarian, that is certified by the owner or the owner's des-~~

ignee as having had no breeding contact with female cattle, or bulls that are less than eighteen months of age and have had no breeding contact with female bovines and originate from a herd where all bulls have been tested negative, by a quantitative polymerase chain reaction (qPCR) test, to trichomoniasis for the past three years.)

WSR 15-20-124
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed October 7, 2015, 11:19 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-13-099.

Title of Rule and Other Identifying Information: Chapter 296-400A WAC, Plumber certification rules.

Hearing Location(s): Department of Labor and Industries, 7273 Linderson Way S.W., Room S118, Tumwater, WA 98501, on November 17, 2015, at 1:00 p.m.

Date of Intended Adoption: January 5, 2016.

Submit Written Comments to: Beverly Clark, P.O. Box 44400, Olympia, WA 98504-4400, e-mail Beverly.Clark@Lni.wa.gov, fax (360) 902-5292, by 5 p.m. on November 17, 2015. Written comments submitted by fax must be ten pages or less.

Assistance for Persons with Disabilities: Contact Beverly Clark by 5 p.m. on November 1, 2015, at Beverly.Clark@Lni.wa.gov or (360) 902-6272.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule making is to review the plumber certification rules for housekeeping changes in order to further clarify the rules. The plumber certification rules are reviewed on a regular basis to: Ensure the rules are consistent with the national consensus standards, industry practice, and to clarify the rules.

Proposed rule changes being put forward include:

- Amending the rule to be consistent with the national consensus code;
- Establishment of a requirement for display of valid plumber certificate of competency; and
- General housekeeping changes.

Reasons Supporting Proposal: This rule making is to amend existing rules to be consistent with the national consensus standards, industry practice, and to clarify the rules. The plumbing program worked with the Washington state advisory board of plumbers, with representation from business, labor, and the public, regarding employer compliance with plumbing rules. The advisory board of plumbers has endorsed the concept of the proposed changes.

Statutory Authority for Adoption: Chapter 18.106 RCW.

Statute Being Implemented: Chapter 18.106 RCW.

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

Name of Proponent: Department of labor and industries, governmental.

Name of Agency Personnel Responsible for Drafting: Dean Simpson, Tumwater, Washington, (360) 902-5571; Implementation and Enforcement: Elizabeth Smith, Tumwater, Washington, (360) 902-6320.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department's proposed rules are subject to the Regulatory Fairness Act, but they do not require a small business economic impact statement because the proposed changes are exempt by law (see RCW 19.85.025 referencing RCW 34.05.310(4)).

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Beverly Clark, 243 Israel Road S.E., Building 3, Tumwater, WA 98501, phone (360) 902-6272, fax (360) 902-4988, e-mail Beverly.clark@lni.wa.gov.

October 7, 2015

Joel Sacks

Director

AMENDATORY SECTION (Amending WSR 10-06-051, filed 2/24/10, effective 4/1/10)

WAC 296-400A-005 What definitions do I need to know to understand these rules? Unless a different meaning is clearly required by the context, the following terms and definitions are important:

"Advisory board" is the state advisory board of plumbers.

"Assist" means a friend, neighbor, or other person (including a certified plumber) may assist a householder, at his or her residence, in the performance of plumbing work on the condition that the householder is present when the work is performed and the person assisting the householder does not accept money or other forms of compensation for the volunteer work. For the purposes of this subsection, a residence is a single-family residence.

"Audit" means an assessment, evaluation, examination or investigation of, contractor's accounts, books and records for the purpose of verifying the contractor's compliance with RCW 18.106.320.

"Backflow assembly" or **"backflow prevention assembly"** or **"backflow preventer"** is a device as described in the *Uniform Plumbing Code* used to prevent the undesired reversal of flow of water or other substances through a cross-connection into the public water system or consumer's potable water system.

"Backflow assembly tester" is an individual certified by the department of health to perform tests to backflow assemblies.

"Calendar day" means each day of the week, including weekends and holidays.

"Continuing education" is approved plumbing and electrical courses for ~~((journeymen))~~ journey level, domestic pump specialty plumbers, and residential specialty plumbers, to meet the requirements to maintain their plumbing certification and for trainees or individuals to become certified plumbers in Washington.

"Continuing education course provider" is an entity approved by the department, in consultation with the state advisory board of plumbers, to provide continuing education

training for ((~~journeymen~~)) journey level, domestic pump specialty plumbers, residential specialty plumbers, and trainees. All training course providers must comply with the requirements in WAC 296-400A-028.

"**Continuity affidavit**" is a form developed by the department that is used to verify whether medical gas pipe installation work (brazing process) has been performed biannually. This form is provided to the department ((~~annually~~)) at the time of renewal by the person holding the medical gas piping installer endorsement and requires the notarized signature of the employer of the medical gas piping installer or another qualified verifier as determined by the department. Continuity is a visual examination by the employer of the brazing that was performed. The medical gas installer must also review the current medical gas code and sign the affidavit stating that they have done so.

"**Contractor**" means any person, corporate or otherwise, who engages in, or offers or advertises to engage in, any work covered by the provisions of chapter 18.106 RCW by way of trade or business, or any person, corporate or otherwise, who employs anyone, or offers or advertises to employ anyone, to engage in any work covered by the provisions of chapter 18.106 RCW and is registered as a contractor under chapter 18.27 RCW.

"**Control**" means that the journey level plumber, specialty plumber, or temporary permit plumber is physically on-site at the start of each day and each and every job site to diagnose, direct, and lay out the plumbing work the trainee is to perform.

"**Course of study**" means classroom training and practical work experience in the plumbing industry as defined in WAC 296-400A-100.

"**Department**" is the department of labor and industries.

"**Director**" is the director of the department of labor and industries.

"**Dispatcher**" means the contractor's employee who authorized the work assignment of the person employed in violation of chapter 18.106 RCW.

"((~~Journeyman~~)) Journey level plumber" is anyone who has learned the commercial plumbing trade and has been issued a ((~~journeymen~~)) journey level certificate of competency by the department. A ((~~journeymen~~)) journey level plumber may work on plumbing projects including residential, commercial and industrial worksite locations.

"**Medical gas piping installer**" is anyone who has been issued a medical gas piping installer endorsement of competency by the department.

"**Medical gas piping systems**" are piping systems that convey or involve oxygen, nitrous oxide, high pressure nitrogen, medical compressed air, or medical vacuum systems.

"**Plumbing**" is that craft involved in installing, altering, repairing and renovating potable water systems, liquid waste systems and medical gas piping systems in the footprint of a building. Potable water systems, liquid waste systems, and medical gas piping systems are defined by the current *Uniform Plumbing Code* (UPC) and amendments adopted by the state building code council. All piping, fixtures, pumps and plumbing appurtenances that are used for a reclaimed water system are included in the definition of liquid waste systems.

The installation of water softening or water treatment equipment into a water system is not considered plumbing.

"**Records**" include, but are not limited to, all bids, invoices, billing receipts, time cards and payroll records that show the work was performed, advertised, or bid.

"**Specialty plumber**" is anyone who has been issued a specialty plumbers certificate of competency by the department limited to:

(a) Installation, maintenance and repair of plumbing for single-family dwellings, duplexes and apartment buildings which do not exceed three stories;

(b) Maintenance and repair of backflow assemblies located within a residential or commercial building or structure. For the purposes of this subsection, "maintenance and repair" includes cleaning and replacing internal parts of an assembly, but does not include installing or replacing backflow assemblies.

(c) "Domestic pump specialty" means the installation, maintenance, and repair of a domestic water pumping system consisting of the pressurization, treatment, and filtration components of a domestic water system consisting of: One or more pumps; pressure, storage, and other tanks; filtration and treatment equipment; if appropriate, a pitless adapter; along with valves, transducers, and other plumbing components that:

(i) Are used to acquire, treat, store, or move water suitable for either drinking or other domestic purposes, including irrigation, to:

(A) A single-family dwelling, duplex, or other similar place of residence;

(B) A public water system, as defined in RCW 70.119.-020 and as limited under RCW 70.119.040; or

(C) A farm owned and operated by a person whose primary residence is located within thirty miles of any part of the farm;

(ii) Are located within the interior space, including but not limited to an attic, basement, crawl space, or garage, of a residential structure, which space is separated from the living area of the residence by a lockable entrance and fixed walls, ceiling, or floor;

(iii) If located within the interior space of a residential structure, are connected to a plumbing distribution system supplied and installed into the interior space by either:

(A) A person who, pursuant to RCW 18.106.070 or 18.106.090, possesses a valid temporary permit or certificate of competency as a ((~~journeymen~~)) journey level plumber, specialty plumber, or trainee, as defined in this chapter; or

(B) A person exempt from the requirement to obtain a certified plumber to do such plumbing work under RCW 18.106.150.

For the purposes of the domestic pump specialty, residential structure includes any improvement to real property where that property is primarily used as a residence.

"**Story**" is defined by the current building codes and amendments adopted by the state building code council which includes basements or garages.

"**Supervision**" for the purpose of these rules means within sight ((~~of~~)) and sound. Supervision requirements are met when the supervising plumber is on the premises and

within sight ~~((or))~~ and sound of the individual who is being trained.

"**Trainee plumber**" is anyone who has been issued a trainee certificate and is learning or being trained in the plumbing trade with direct supervision of either a ~~((journeyman))~~ journey level plumber or specialty plumber working in their specialty.

"**Training course provider**" is an entity approved by the department, in consultation with the state advisory board of plumbers, to provide medical gas piping installer training. All training course providers must comply with the requirements in WAC 296-400A-026.

AMENDATORY SECTION (Amending WSR 09-10-080, filed 5/5/09, effective 6/5/09)

WAC 296-400A-010 Plumbing certificate types and scope of work. (1) ~~((Journeyman))~~ **Journey level plumber (PL01):** A ~~((journeyman))~~ journey level plumber may work on all phases of plumbing projects including residential, commercial and industrial worksite locations. ~~((A plumber trainee must have a training certificate in order to perform plumbing work under the supervision of a certified journeyman plumber.))~~

(2) **Residential specialty plumber (PL02):** Installation, maintenance and repair of all phases of plumbing for single-family dwellings, duplexes and apartment buildings which do not exceed three stories. ~~((A plumber trainee must have a training certificate in order to perform plumbing work as a residential specialty plumber under the supervision of a certified residential or journeyman plumber.))~~

(3) **Backflow specialty plumber (PL30):** Maintenance and repair of backflow assemblies located within a residential or commercial building or structure. For the purposes of this subsection, "maintenance and repair" includes cleaning and replacing internal parts of an assembly, but does not include installing or replacing backflow assemblies. A plumber trainee must have a PT31 certificate in order to ~~((do))~~ work as a backflow specialty plumber under the supervision of a certified backflow specialty plumber, certified residential specialty plumber or certified ~~((journeyman))~~ journey level plumber. PT31 trainee requires one hundred percent supervision.

(4) **Pump and irrigation specialty plumber (PL03):** Installation, maintenance and repair of equipment that is used to acquire, treat, store, or move water suitable for either drinking or other domestic purposes, including irrigation or to a domestic water pumping system consisting of the pressurization, treatment, and filtration components of a domestic water system consisting of: One or more pumps; pressure, storage, and other tanks; filtration and treatment equipment. For the purposes of this subsection, if located within the interior space of a residential structure as stated in RCW 18.106.-010 (10)(c), only the equipment and piping defined by RCW 18.106.010 (10)(c) are included in this specialty and other parts of the system must be worked on by the appropriate certification.

(5) **Limited volume domestic pump specialty plumber (PL03A):** Installation, maintenance and repair of equipment that is used to acquire, treat, store, or move water suitable for

either drinking or other domestic purposes on pumping systems not exceeding one hundred gallons per minute. A domestic water pumping system consisting of the pressurization, treatment, and filtration components of a domestic water system consisting of: One or more pumps; pressure, storage, and other tanks; filtration and treatment equipment. For the purposes of this subsection, if located within the interior space of a residential structure as stated in RCW 18.106.010 (10)(c), only the equipment and piping to stated equipment in this locked room can be worked on by this certification; other parts of the system must be worked on by the appropriate certification.

(6) **Plumber trainee (PT00 and PT31):** Is an individual learning the trade or craft of plumbing. Trainees are required to have and maintain a valid plumber's training certificate. Trainees will be accredited for those hours worked within the scope of their supervising plumber. Any plumber trainee may perform plumbing work within the scope of their supervising ~~((journeyman))~~ journey level or specialty plumber. A trainee ~~((shall))~~ must keep a record of the hours worked as a trainee as required by WAC 296-400A-120(3).

(7) **Certified ~~((journeyman))~~ journey level electricians, certified residential specialty electricians, or electrical trainees (EL01 and EL02):** According to RCW 18.106.150 (2)(b), a current plumbing certificate of competency or ~~((apprentice permit))~~ plumber trainee card is not required for: Certified ~~((journeyman))~~ journey level electricians, certified residential specialty electricians, or electrical trainees working for ~~((an))~~ a general or residential specialty electrical contractor (EC01 or EC02) and performing exempt work under RCW 18.27.090(18). A plumber trainee must have ~~((a))~~ an electrical trainee (ET00) certificate in order to work with a ~~((journeyman))~~ journey level electrician~~((s))~~ or residential specialty electrician~~((s or electrical trainee))~~.

The plumbing work must be directly and immediately appropriate to the like-in-kind replacement of a household fixture or its component(s) that requires limited power and waste/water connections.

An example would be replacing the heating element (a component) of an electric hot water heater. An electrician performing a like-in-kind replacement of an electric hot water tank could only disconnect and then reconnect the water supply lines to the tank and drain line from the temperature and pressure relief valve. Gas hot water tanks are not part of the electrician's exemption.

AMENDATORY SECTION (Amending WSR 09-10-080, filed 5/5/09, effective 6/5/09)

WAC 296-400A-020 How do I obtain a certificate of competency? You can obtain a certificate of competency by completing the following requirements for:

(1) ~~((Journeyman and))~~ Journey level, residential and domestic pump specialty plumber certificate ~~((excluding backflow assembly maintenance and repair specialty certification))~~:

(a) Submitting a competency examination application to the department;

(b) Paying the examination fee shown in WAC 296-400A-045(1);

(c) Submitting the required evidence of competency and experience to the department as required under WAC 296-400A-120 and 296-400A-121;

(d) Providing documentation to the department with continuing education requirements;

(e) Passing the competency examination;

(f) In lieu of (a), (b) and (c) of this subsection and with the approval of the advisory board, the department may accept the successful passage of an examination administered by a nationally recognized testing entity;

(g) For domestic pump specialty plumbers, in lieu of (a), (b) and (c) of this subsection and with the approval of the advisory board, the department may accept a certification issued by professional trade association; and

(h) Paying the certification issuance fee within ninety days of notification of passing the written examination. Failure to pay within ninety days will require reexamination.

(2) Backflow assembly maintenance and repair specialty certificate:

(a) Submitting a competency examination application to the department;

(b) Submitting evidence of a current backflow assembly tester certification issued by the department of health;

(c) Paying the application and certificate fee shown in WAC 296-400A-045(1);

~~((e))~~ (d) Passing the competency examination; and

~~((d))~~ (e) Paying the certification issuance fee within ninety days of notification of passing the written examination. Failure to pay within ninety days will require reexamination.

AMENDATORY SECTION (Amending WSR 05-11-061, filed 5/17/05, effective 6/30/05)

WAC 296-400A-021 How do I obtain a medical gas piping installer endorsement? (Only ~~((journeyman))~~ journey level plumbers holding active state of Washington certification may apply for this endorsement.) This section applies if you have never held the endorsement.

You can obtain a medical gas piping installer endorsement by completing the following requirements:

(1) Submit an application to the department; ~~((and))~~

(2) Pay the ~~((examination))~~ application fee shown in WAC 296-400A-045; ~~((and))~~

(3) Submit the required evidence of approved training to the department; ~~((and))~~

(4) Pass the written and practical competency examination provided by a nationally recognized testing agency under contract with the department;* and

(5) Pay the endorsement issuance fee shown in WAC 296-400A-045 to the department.

~~*((The written and practical competency examination is performed under contract with a nationally recognized testing agency. The results of the competency examination will be forwarded to the department for processing.))~~ This section applies if you previously held the endorsement.

(6) If you previously held a medical gas endorsement in Washington and it has been expired for more than ninety days, you are required to take the department's medical gas

examination. You can apply for the examination by completing the following requirements:

(a) Submit an application to the department;

(b) Pay the examination fee shown in WAC 296-400A-045;

(c) Pass the competency examination;

(d) Pay the certificate issuance fee within ninety days of notification of passing the written examination;

(e) Failure to pay within ninety days will require reexamination.

AMENDATORY SECTION (Amending WSR 10-06-051, filed 2/24/10, effective 4/1/10)

WAC 296-400A-022 What procedure is required for renewal of a ~~((journeyman))~~ journey level medical gas endorsement? (1) Maintain an active Washington state ~~((journeyman))~~ journey level certification.

(2) Submit affidavit of continuity verifying that brazing has been performed every six months during the renewal cycle.

(3) Submit affidavit of review of current medical gas code adopted by the Washington state building code council.

(4) Pay the appropriate fee: If renewal occurs before expiration of current endorsement, the renewal fee shown in WAC 296-400A-045; if renewal occurs within ninety days of expiration of current endorsement, you must pay a double renewal fee; if the current endorsement has been expired for ninety-one days or more, you must take an examination relating to medical gas installation administered by the department and pay the examination application fee shown in WAC 296-400A-045. Medical gas endorsement is renewed every two years.

(5) Contractors ~~((shall))~~ must accurately verify and attest to brazing performed by the ~~((journeyman))~~ journey level by sending an affidavit of continuity to the department or in lieu of the biannual braze requirement from the contractor, a performed brazed coupon test documenting that the coupon was certified as passing from a department approved medical gas training course provider would be accepted.

(6) If affidavit of continuity and/or affidavit of review are not received within ninety days of expiration, the applicant will be required to retake the examination and pay the appropriate fees prior to being placed in active status.

AMENDATORY SECTION (Amending WSR 06-24-040, filed 11/30/06, effective 12/31/06)

WAC 296-400A-023 What process is required for renewal of ~~((journeyman, domestic pump specialty, and residential specialty))~~ plumber certificates of competency? (1) An individual must apply for renewal of their plumbing certificate before the expiration date of the certificate. The individual may not apply for renewal more than ninety days prior to the expiration date. ~~((Journeyman and))~~ Journey level residential specialty and backflow specialty plumber certificates are renewed every two years. Domestic pump specialty plumber certificates are renewed every three years.

(2) An individual may renew their certificate within ninety days after the expiration date without reexamination if

the individual pays the ~~((late))~~ doubled renewal fee ~~((listed in WAC 296-400A-045))~~ referenced in RCW 18.106.070.

(3) All applications for renewal received more than ninety days after the expiration date of the plumbing certificate require that the plumber pass the appropriate competency examination before being recertified.

(4) All applicants for plumbing certificate renewal must:

(a) Submit a complete renewal application;

(b) Pay all appropriate fees; and

(c) Provide accurate evidence ~~((on the renewal form))~~

that the individual has completed the continuing education requirements described in WAC 296-400A-028 (excluding backflow specialty).

If an individual files inaccurate or false evidence of continuing education information when renewing a plumbing certificate, the individual's plumbing certificate may be suspended or revoked.

(5) A ~~((journeyman))~~ journey level, domestic pump specialty, or residential specialty plumber certificate holder who has not completed the required hours of continuing education ~~((prior to the))~~ on or before the renewal date must pay a doubled fee according to RCW 18.106.070. Also, if the required hours of continuing education are not completed within ninety days after the expiration date the applicant will be required to retake the examination and pay the appropriate fees prior to being placed in active status.

(6) Backflow specialty plumber certificate holders must submit evidence of an active backflow assembly tester certification issued by the department of health within ninety days of their expiration date. If the backflow assembly tester evidence is not submitted within ninety days after the expiration date, the applicant will be required to retake the examination and pay the appropriate fees prior to being placed in active status.

(7) An individual may renew a suspended plumbing certificate by submitting a complete renewal application including obtaining and submitting the continuing education required for renewal. However, the certificate will remain in a suspended status for the duration of the suspension period.

~~((7))~~ (8) An individual may not renew a revoked plumbing certificate.

NEW SECTION

WAC 296-400A-024 How do you meet the requirement that the person performing plumbing wear or visibly display their certification, trainee card, or endorsement? (1) To work in the plumbing trade, an individual must possess, wear, and visibly display on the front of the upper body a current, valid plumber certificate of competency, medical gas endorsement, or plumber trainee card.

(a) The certificate may be worn inside the outer layer of clothing when outer protective clothing (e.g., rain gear when outside in the rain, arc flash, welding gear, etc.), is required.

(b) The certificate must be worn inside the protective clothing so that when the protective clothing is removed, the certificate is visible. A cold weather jacket or similar apparel is not protective clothing.

(c) The certificate may be worn inside the outer layer of clothing when working in an attic or crawl space or when

operating equipment where wearing the certificate may pose an unsafe condition for the individual.

(2) The certificate must be immediately available for examination at all times.

(3) The individual must also have in their possession governmental issued photo identification.

AMENDATORY SECTION (Amending WSR 09-10-080, filed 5/5/09, effective 6/5/09)

WAC 296-400A-028 What are the requirements for continuing education and classroom training?

What are the general and continuing education course requirements for ~~((journeyman))~~ journey level, residential specialty plumbers, domestic pump specialty plumbers, and plumber trainees?

(1) ~~((Journeyman))~~ Journey level, residential specialty plumber, domestic pump specialty plumber, and plumber trainee.

(a) To be eligible for renewal of a ~~((journeyman))~~ journey level plumber or residential specialty plumber certificate, the individual must have completed at least sixteen hours of approved continuing education for each two years of the prior certification period. Individuals will be required in the prior two-year period to have completed ~~((at least))~~ a minimum of eight hours of plumbing code and ~~((at least))~~ a minimum of four hours of electrical ~~((code))~~ trade related classes from the currently adopted Washington state plumbing and electrical codes. The remaining four hours may be plumbing or electrical trade related classes.

(b) Domestic pump specialty plumbers ~~((shall))~~ must renew their domestic pump specialty certificate once every three years, on or before the individual's birthday. Individuals will be required to complete twenty-four hours of approved continuing education. The continuing education may comprise both electrical and plumbing education with a minimum of twelve of the required twenty-four hours of continuing education in plumbing for each three-year renewal cycle.

(c) Plumber trainees must complete at least eight hours per year of ~~((classroom))~~ training from an approved continuing education course for each year of the prior certification period. Trainees will be required during a two-year period to complete at least eight hours of plumbing code and at least four hours of electrical ~~((code))~~ trade related classes from the currently adopted Washington state plumbing and electrical codes. The remaining four hours may be plumbing or electrical trade related classes.

(d) Any portion of a year of a prior plumber certification period is equal to one year for the purposes of the required continuing education.

(2) An individual will not be given credit for the same approved continuing education course taken more than once in ~~((the two years prior to the renewal date))~~ their renewal cycle. No credit will be granted for any course not approved by the department.

(3) Continuing education requirements do not apply to backflow specialty plumbers under chapter 18.106 RCW and this chapter.

Approval process - Continuing education course.

(4) The advisory board of plumbers or plumbing board subcommittee will review each continuing education course. The advisory board of plumbers or plumbing board subcommittee will recommend approval or disapproval to the department. The department will either approve or disapprove the course.

(5) To be considered for approval, a continuing education course must consist of not less than two hours of instruction and must be open to monitoring by a representative of the department and/or the plumbing board at no charge. If the department determines that the continuing education course does not meet or exceed the minimum requirements for approval, the department may revoke the course approval or reduce the number of credited hours.

(6) Approved courses must be based on:

(a) Currently adopted edition of the *Uniform Plumbing Code with amendments as adopted by the state building code council* and currently adopted *National Electrical Code*;

(b) Chapters 18.106 or 19.28 RCW or chapters 296-400A or 296-46B WAC; or

(c) Materials and methods as they pertain to the industrial practices of plumbing or electrical construction, building management systems, plumbing or electrical maintenance, or workplace health and safety.

(7) Code-update courses must be based on the ~~((entire))~~ currently adopted *Uniform Plumbing Code with amendments as adopted by the state building code council* or currently adopted *National Electrical Code*.

(a) Correspondence and online courses in the plumbing code or industry related plumbing category require thirty-five questions per hour of credit. Exams and answers required with course application.

(b) Correspondence and online courses in the industry related electrical ~~((courses))~~ category require twenty-five questions per hour of credit. Exams and answers required with course application.

(c) Classroom training requires one hour of instruction for each hour of credit.

(d) Course outline must support the number of hours requested.

Application - For continuing education course approval.

(8) All applications for course approval must be on forms provided by the department. The plumbing board and the department will only consider the written information submitted with the application when considering approval of the continuing education training course.

(9) The department will provide continuing education application forms to sponsors upon request. The course sponsor must submit an original completed application for course approval and three copies (unless submitted electronically using department prescribed technology) to the department. The department must receive the complete course application from the sponsor in writing at least forty-five days before the first class requested for approval is offered.

(10) A complete application for course approval must include:

(a) The appropriate course application fee;

(b) Course title, number of classroom instruction hours, and whether the training is open to the public;

(c) Sponsor's name, address, contact's name and phone number;

(d) Course outline (general description of the training, including specific *Uniform Plumbing Code* or currently adopted *National Electrical Code* articles referenced);

(e) Lists of resources (texts, references, visual aids);

(f) Names and qualifications of instructors. Course instructors must show prior instructor qualification and experience similar to that required by the work force training and education coordinating board under chapter 28C.10 RCW;

(g) Any additional documentation to be considered; and

(h) A sample copy of the completion certificate issued to the course participants.

(11) The course sponsor seeking approval of a continuing education course will be notified of the subcommittee's decision within five days of the completed review of the application.

(12) If the application is not approved, the rejection notice will include an explanation of the reason(s) for rejection. If the course sponsor disagrees with the subcommittee's decision, the course sponsor may request a reconsideration hearing by the full plumbing board. A request to appeal course rejection must be received by the department forty-five days before a regularly scheduled board meeting. The course sponsor must submit, to the department, any additional information to be considered during the hearing, in writing, at least thirty days before the board hearing. The course sponsor must provide at least twenty copies of any written information to be submitted to the board.

Offering - Continuing education course.

(13) The course sponsor may offer an approved course for up to three years without additional approval. However, if the course is classified as code-update or code-related and a new edition of the *Uniform Plumbing Code* or *National Electrical Code* is adopted within the course approval period, the course approval will be considered automatically revoked and the course sponsor must submit a new application for review by the department and approval by the plumbing board subcommittee. On new code cycle years new code courses can be approved and taught three months prior to the formal adoption date.

(14) A continuing education course attended or completed by an individual before final approval by the plumbing board subcommittee cannot be used to meet the plumbing certificate renewal requirements.

Documentation - Washington approved training course attendance/completion.

(15) The department is not responsible for providing verification of an individual's continuing education history with the course sponsor.

(16) The course sponsor must provide the department with an accurate and typed course attendance/completion roster for each course given.

(a) The attendance/completion roster must be provided within thirty days of course completion.

(b) In addition, the course sponsor (~~(must)~~) may provide the attendance/completion roster in an electronic format provided by the department.

(c) The attendance/completion roster must show each participant's name, Washington certificate number, course number, location of course, date of completion, and instructor's name. The typed roster must contain the signature of the course sponsor's authorized representative.

(17) If the course sponsor fails to submit the required attendance/completion rosters within thirty days of the course completion, the department may revoke or suspend the course approval.

(18) Course sponsors must award a certificate to each participant completing the course from which the participant will be able to obtain:

- (a) Name of course sponsor;
- (b) Name of course;
- (c) Date of course;
- (d) Course approval number;
- (e) The number of continuing education units; and
- (f) The type of continuing education units.

(19) The department will only use a copy of the sponsor's attendance/completion roster as final evidence that the participant completed the training course.

(20) The department will keep an electronic copy of submitted rosters of the continuing education courses on file only for audit purposes. The department is not responsible for the original of any completion certificate issued.

Documentation - Out-of-state training course attendance/completion.

(21) To apply continuing education units earned out-of-state from course sponsors who do not have state of Washington approved courses, one of the following conditions must be met:

(a) The individual must request that the course sponsor submit a complete continuing education course application and requirements as described in this section for in-state courses.

Application for course approval will not be considered more than three years after the date of the course.

(b) The department must have entered into a reciprocal agreement with the state providing course approval.

The participant must provide a copy of an accurate and completed award or certificate from the course sponsor identifying the course location, date of completion, participant's name, and Washington certificate number. The department will only accept a copy of the sponsor's certificate or form as evidence that the participant attended and completed the course.

AMENDATORY SECTION (Amending WSR 04-12-046, filed 5/28/04, effective 6/30/04)

WAC 296-400A-029 What is the implementation schedule for the continuing education course requirements?

• Individuals that renew between July 1, 2005, and June 30, 2006, are required to complete eight hours of continuing education courses.

• Effective July 1, 2006, all journey level and residential specialty renewals will require sixteen hours of continuing education.

AMENDATORY SECTION (Amending WSR 06-24-040, filed 11/30/06, effective 12/31/06)

WAC 296-400A-030 Do I need a temporary permit?

You need a temporary permit if you are an active out-of-state (~~(journeyman)~~) journey level plumber, domestic pump specialty plumber, or a residential specialty plumber residing in a state that does not have a reciprocal agreement with Washington and you would like to work as a plumber in Washington. Temporary permits are not issued for installers of medical gas piping systems.

Temporary permits are not issued for the backflow assembly maintenance and repair specialty. Therefore, WAC 296-400A-030 through 296-400A-033 do not apply to this specialty.

AMENDATORY SECTION (Amending WSR 09-10-080, filed 5/5/09, effective 6/5/09)

WAC 296-400A-031 How do I qualify for a temporary permit? To qualify for a temporary permit, you must:

(1) Have an active state-issued (~~(journeyman)~~) journey level plumber, domestic pump specialty plumber, or a residential specialty plumber certificate;

(2) Give the department sufficient qualifying evidence for a (~~(journeyman)~~) journey level plumber, domestic pump specialty plumber, or a residential specialty plumber certificate of competency;

(3) Never have taken the (~~(journeyman)~~) journey level plumber, domestic pump specialty plumber, or a residential specialty plumber competency examination in Washington state; and

(4) Not be a trainee or an apprentice plumber.

AMENDATORY SECTION (Amending WSR 09-10-080, filed 5/5/09, effective 6/5/09)

WAC 296-400A-033 What is the duration of a temporary permit? A temporary permit is valid for (~~(one hundred twenty days)~~) four months and is nonrenewable.

AMENDATORY SECTION (Amending WSR 04-12-046, filed 5/28/04, effective 6/30/04)

WAC 296-400A-035 How can I be placed on inactive status? To be placed on inactive status, you must meet these three requirements:

(1) You must currently be a certified plumber;

(2) Have your inactive status request submitted and approved by the department prior to the expiration date of your plumbing certificate; and

(3) Not be working in the plumbing trade.

Inactive status means that you are not currently working in the plumbing trade and you are not required to pay the (~~(annual)~~) certificate renewal fee. If you have been in inactive status for less than five years, you may return to active status, without reexamination, by paying the reinstatement fee

shown in WAC 296-400A-045. If you have been in inactive status for five or more years, you are required to reapply and pass the competency examination pursuant to WAC 296-400A-020 and pay the appropriate fees shown in WAC 296-400A-045.

(4) Journey level and residential specialty plumbers are required to meet a minimum of sixteen hours continuing education with ~~((four of the))~~ a minimum of eight hours of

plumbing code and a minimum of four hours being in electrical training before being reinstated. The remaining four hours can be from any of the approved categories.

(5) Domestic pump plumbers are required to complete twenty-four hours, with a minimum of twelve hours of plumbing classes before being reinstated.

(6) Inactive status does not apply to medical gas endorsements.

AMENDATORY SECTION (Amending WSR 11-23-141, filed 11/22/11, effective 12/31/11)

WAC 296-400A-045 What fees will I have to pay? The following are the department's plumbers nonrefundable fees: Fees related to ~~((journeyman))~~ journey level and specialty plumber certification:

<u>Type of Fee</u>	<u>Period Covered by Fee</u>	<u>Dollar Amount of Fee</u>
Examination application	Per examination	\$151.90
Domestic pump specialty application fee*****	Per application	\$151.90
Reciprocity application*	Per application	\$151.90
Trainee certificate**	One year or when hours are updated	\$45.20
Temporary permit (not applicable for backflow assembly maintenance and repair specialty)	((120 days)) <u>four months</u>	\$75.40
((Journeyman)) <u>Journey level</u> or residential specialty certificate renewal or 1st card***	Two years	\$121.60
Domestic pump specialty plumber certificate renewal or 1st card***	Three years	\$182.50
Backflow assembly maintenance and repair specialty certificate renewal or 1st card***	Two years	\$83.90
Medical gas endorsement application	Per application	\$55.90
Medical gas endorsement renewal or 1st card***	Two years	\$83.60
Medical gas endorsement examination fee*****		See note below.
Medical gas endorsement training course fee*****		See note below.
Domestic pump specialty examination fee*****		See note below.
Reinstatement fee for residential and ((journeyman)) <u>journey level</u> certificates		\$243.90
Reinstatement fee for backflow assembly maintenance and repair specialty certificates		\$140.30
Reinstatement fee for domestic pump		\$365.20
Replacement fee for all certificates		\$20.50
Refund processing fee		\$32.60
Unsupervised trainee endorsement		\$32.60
Inactive status fee		\$32.60
((Honorary plumbing certification		(\$130.30))
Certified letter fee/verification of licensure		\$32.60

<u>Type of Fee</u>	<u>Period Covered by Fee</u>	<u>Dollar Amount of Fee</u>
Documents copied from a plumber's file		\$2.00 per page maximum copy charge \$30.00
Continuing education new course fee*****		\$197.50
Continuing education renewal course fee*****		\$98.60
Continuing education classes provided by the department		\$12 per continuing education training hour \$8 per continuing education training hour for correspondence and internet courses

* Reciprocity application is only allowed for applicants that are applying work experience toward certification that was obtained in state(s) with which the department has a reciprocity agreement. The reciprocity application is valid for one year.

** The trainee certificate ((shall)) will expire one year from the date of issuance and must be renewed on or before the date of expiration. Trainee update fee required when hours are submitted outside of renewal period.

*** This fee applies to either the original issuance or a renewal of a certificate. If you have passed the plumbers certificate of competency examination or the medical gas piping installer endorsement examination and paid the certificate fee, you will be issued a plumber certificate of competency or a medical gas endorsement that will expire on your birth date.

The two-year renewal of a Medical Gas Piping Installer Endorsement ((shall)) must include a continuity affidavit verifying that brazing work has been performed every six months during the renewal cycle.

**** This fee is paid directly to a nationally recognized testing agency under contract with the department. It covers the cost of preparing and administering the written competency examination and the materials necessary to conduct the practical competency examination required for the medical gas piping system installers endorsement or the domestic pump or pump and irrigation examination. **This fee is not paid to the department.**

***** This fee is paid directly to a training course provider approved by the department, in consultation with the state advisory board of plumbers. It covers the cost of providing training courses required for the medical gas piping system installer endorsement. **This fee is not paid to the department.**

***** This fee is for a three-year period or code cycle.

***** The domestic pump specialty application is valid for one year.

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-070 Can I work as a certified plumber in Washington without taking the Washington state plumbers' competency examination? The director of labor and industries negotiates reciprocal agreements with states that have equivalent requirements for certification and licensing of journey level and specialty plumbers. The agreement allows plumbers from those states to work in Washington and Washington-certified plumbers to work in the other state without taking competency examinations. To find out if your state has an agreement with the department contact the plumber's certification clerk at the department's Tumwater, Washington headquarters. You may be eligible to work in Washington state without taking an examination if:

(1) You have a current plumbers certificate or license from another state; and

(2) That state has a current reciprocal agreement with the department of labor and industries; and

(3) You pay the reciprocity application fee and ((journeyman)) journey level or specialty certificate fee shown in WAC 296-400A-045.

~~((The director of labor and industries negotiates reciprocal agreements with states that have equivalent requirements for certification and licensing of journeyman and specialty plumbers. The agreement allows plumbers from those states to work in Washington and Washington-certified plumbers to work in the other state without taking competency examinations. To find out if your state has an agreement with the~~

~~department, contact the plumber's certification clerk at the department's Tumwater, WA headquarters.))~~

(4) Reciprocity agreements cannot be used to take the Washington state competency examination instead of the examination in your home state.

~~((4)(a) Those actively certified by the department of health on or before July 1, 2001, as backflow assembly testers and registered as a contractor under chapter 18.27 RCW or employed by a registered contractor, may perform maintenance and repair of backflow prevention assemblies, without being a certified plumber under chapter 18.106 RCW and these rules, until January 1, 2003.~~

~~(b) After January 1, 2003, backflow assembly testers exempted under (a) of this subsection are required to meet the eligibility requirements for a specialty plumber's certificate of competency under chapter 18.106 RCW and these rules.))~~

(5) Reciprocity application is only allowed for applicants that are applying work experience toward certification that was obtained in state(s) with which the department has a reciprocity agreement.

(6) An applicant for a reciprocal certificate must be a resident of the state in which they hold the certificate at the time they make the application for reciprocity. A certificate by reciprocity must not be granted to an individual residing in the state to which they are making application at the time of application.

(7) Reciprocal certificate holders are responsible for the renewal of their certificate. A late renewal fee and/or reexamination can result when renewal is not accomplished in accordance with each state's respective statutes.

AMENDATORY SECTION (Amending WSR 10-06-051, filed 2/24/10, effective 4/1/10)

WAC 296-400A-100 For certification purposes, how are "years of employment" computed and documented?

(1) For certification purposes, 2,000 hours of employment is considered one year. See RCW 18.106.070(2).

(2) When you renew your certificate, you must document your previous years' plumbing work by accurately completing the department's approved form and submitting it to the department.

(3) If you have completed a one, two, three, four or more years plumbing construction trainee program, you must have the necessary training hours for the year in which you are registered. No more than fifty percent of the minimum work experience needed to qualify for plumbing certification is allowed for any training school program. See RCW 18.106.040.

(4) Subsections (1) through (3) of this section do not apply to the backflow assembly maintenance and repair specialty certification as years of employment are not required for this specialty. Applicants for this specialty designation are required to have fulfilled the requirements in WAC ~~((296-400A-122))~~ 296-400A-121 and pay the applicable fees in WAC 296-400A-045(2).

(5) Experience obtained as a backflow assembly maintenance and repair specialty may not be applied toward ~~((journeyman))~~ journey level or specialty plumber certification.

(6) For experience in another country, if an individual has a ~~((journeyman))~~ journey level plumbing certificate from a country outside the United States that requires that at least four years of plumbing construction training and certification is obtained by examination, the individual may be eligible for four thousand hours of the specialty credit allowed towards the qualification to take the Washington ~~((journeyman))~~ journey level plumbers examination. No more than two years of the required training to become a Washington ~~((journeyman))~~ journey level plumber may be for work described for specialty plumbers or technicians in WAC 296-400A-010. In addition to the maximum of four thousand hours credit that may be allowed by this subsection, an additional four thousand hours of new commercial/industrial experience must be obtained using a training certificate in the state while under the supervision of a ~~((journeyman))~~ journey level plumber. Documentation substantiating the individual's out-of-country experience must be submitted in English.

(7) Out of country experience credit is not allowed toward a specialty plumbing certificate.

AMENDATORY SECTION (Amending WSR 10-06-051, filed 2/24/10, effective 4/1/10)

WAC 296-400A-120 What do I need to know about plumber trainee certificates ~~((excluding backflow assembly maintenance and repair specialty certification))~~?

~~((1 Journeyman))~~ General.

(1) Original trainee certificates.

Journey level and specialty plumber trainee certification:

~~((a Original trainee certificates:))~~ The department will issue an original trainee certificate when the trainee applicant submits a complete trainee certificate application including:

~~((b))~~ (a) Date of birth, mailing address, Social Security number; and

~~((c))~~ (b) All appropriate fees as listed in WAC 296-400A-045.

~~((d))~~ (c) If an individual has previously held a plumbing trainee certificate, then that individual is not eligible for a subsequent original trainee certificate.

(d) All applicants for a plumbing trainee certificate must be at least sixteen years of age and must follow requirements as defined in WAC 296-125-030.

~~((e))~~ (2) Renewal.

(a) The department issues separate trainee certificates once a year.

~~((f))~~ (b) The plumbing trainee may not apply for renewal more than ninety days prior to the expiration date. Plumber trainee certificates are valid for one year.

~~((g))~~ (c) All applicants for trainee certificate of renewal must:

(i) Submit a complete renewal application;

(ii) Pay all appropriate fees; and

(iii) ~~((Provide accurate evidence on the renewal form that the individual has))~~ Completed the continuing education requirements described in chapter 296-400A WAC. Backflow trainees are exempt from continuing education requirements.

~~((h))~~ (d) If an individual files inaccurate or false evidence of continuing education information when renewing a plumbing trainee certificate, the individual's certificate may be suspended or revoked.

~~((i))~~ (e) An individual who has not completed the required hours of continuing education ~~((cannot))~~ can renew a trainee certificate; however, the training certificate will be placed in an inactive status. The inactive training certificate will be returned to active status upon validation by the department of the required continuing education.

~~((j))~~ Individuals will not be able to apply to test for journeyman plumber, domestic pump specialty plumber, or residential specialty plumber certificates until the continuing education requirements have been met.

~~((k))~~ (f) If continuing education hours have not been met, trainee certificates will become expired/inactive and any plumbing work experience obtained by the trainee in expired/inactive status will not be credited ~~((toward plumbing certificate application)).~~

~~((l))~~ An individual may renew an expired certificate of competency by submitting a complete renewal application including obtaining and submitting the continuing education required for renewal. However, the certificate will remain in an expired status for the duration of the expired period.

~~((m))~~ (g) An individual may not renew a revoked trainee certificate.

~~((n))~~ (h) Apprentices registered in an approved program according to chapter 49.04 RCW who are obtaining classroom training consistent with the continuing education requirements under chapter 18.106 RCW and this chapter, as approved by the department, are deemed to have met the continuing education requirements necessary to renew a trainee

certificate. Included under this exemption are active trainees that are not in the formal approved program according to chapter 49.04 RCW but are attending all hours of required classroom training along with the apprentices and meeting the work experience as required under chapter 18.106 RCW and this chapter. The plumber craft training school ~~((shall))~~ will be required to supply the department the necessary documentation to prove there was full hourly attendance of these trainees as is required of the apprentices while they attend the classroom training.

~~((4)) If you are a trainee applying for a journeyman certificate, you must complete a minimum of two of the required four years in commercial plumbing experience.~~

~~((a)) (i) The trainee will not be issued a renewal or reinstated training certificate if the individual owes the department money as a result of an outstanding final judgment.~~

(3) Ratio/supervision.

(a) Commercial/residential.

~~((i)) A certified residential specialty plumber or domestic pump specialty plumber working on a commercial job site may work as a ~~((journeyman))~~ journey level trainee only if they have a current trainee certificate on their person while performing commercial plumbing work.~~

~~((ii)) On a job site, the ratio of certified plumbers to ~~((noncertified))~~ plumbers trainees must be:~~

~~((A)) One residential specialty plumber or ~~((journeyman))~~ journey level working on a residential plumbing job site may supervise no more than two trainees. Supervision must be a minimum of seventy-five percent of the time spent on each and every job site.~~

~~((B)) One ~~((journeyman))~~ journey level plumber working on a commercial job site may supervise no more than one trainee or one residential specialty plumber who holds a current trainee certificate. Supervision must be a minimum of seventy-five percent of the time spent on each and every job site.~~

(b) Domestic pump.

~~((i)) One appropriate domestic pump specialty plumber or one ~~((journeyman))~~ journey level plumber working on a domestic pump system may supervise no more than two trainees. Supervision must be a minimum of seventy-five percent of the time spent on each and every job site.~~

(c) Medical gas.

~~((A)) A plumber trainee or specialty plumber who has a current trainee certificate with the state of Washington and has successfully completed or is enrolled in an approved medical gas piping installer training course may work on medical gas piping systems. Work may only occur when there is direct supervision by an active Washington state certified ~~((journeyman))~~ journey level plumber with an active medical gas piping installer endorsement issued by the department. Supervision must be one hundred percent of the ~~((working day))~~ time spent on each and every job site on a one-to-one ratio.~~

~~((B)) Plumber trainee shall renew the certificate annually but not more than ninety days before the expiration date.~~

~~((C)) The trainee will not be issued a renewed or reinstated training certificate if the individual owes the department money as a result of an outstanding final judgment.~~

~~((D)) Trainee hours will not be credited if the trainee owes outstanding penalties for violations of this chapter.~~

~~((2)) (d) Backflow.~~

~~A backflow specialty plumber, a journey level plumber on a commercial job site, or a residential specialty plumber on a residential job site must supervise one backflow trainee to perform maintenance and repair work on every backflow assembly on potable water systems inside every commercial or residential building. The ratio must be one to one for one hundred percent of the time on each and every job site.~~

(4) Affidavits of experience.

~~((a)) At the time of renewal, the holder ~~((shall))~~ must provide the department with an accurate list of the holder's employers in the plumbing construction industry for the previous annual period. The individual must submit a completed, signed, and notarized affidavit(s) of experience. The affidavit of experience must accurately attest to:~~

~~((i)) The plumbing installation work performed for each employer the individual worked for in the plumbing trade during the previous period;~~

~~((ii)) The correct plumbing category the individual worked in; and~~

~~((iii)) The actual number of hours worked in each category, worked under the proper supervision of a Washington certified ~~((journeyman))~~ journey level plumber, certified domestic pump specialty plumber, or residential specialty plumber.~~

~~((b)) The trainee should ask each employer and/or apprenticeship-training director for an accurately completed, signed, and notarized affidavit of experience for the previous certification period. The employer(s) or apprenticeship training director(s) must provide the previous period's affidavit of experience to the individual within twenty days of the request.~~

~~((c)) If hours for previous period are not submitted within the thirty days after renewing a plumbing training certificate, the individual may not receive credit for these previous period hours.~~

~~((d)) Trainee hours will not be credited if the trainee owes outstanding penalties for violations of this chapter.~~

~~((e)) Trainee hours will not be credited during periods of time when the trainee card is expired or inactive.~~

AMENDATORY SECTION (Amending WSR 06-24-040, filed 11/30/06, effective 12/31/06)

WAC 296-400A-121 What do I need to know about trainee experience and plumber examination requirements for the ~~((journeyman))~~ journey level and specialty plumber ~~((excluding the backflow assembly maintenance and repair specialty))~~? (1) ~~((If you possess a trainee certificate:~~

~~((a)) You may take the residential specialty plumber examination after completing 6,000 hours and not less than three years of documented training under direct supervision of a certified residential specialty or journey level plumber.~~

~~((b)) (2) You may take the ~~((journeyman))~~ journey level examination after completing 8,000 hours and not less than four years of documented training which must include~~

4,000 hours of commercial plumbing experience under direct supervision of a certified journey level plumber.

~~((2))~~ All journeyman trainees must work under the direct supervision of a journeyman plumber until they have completed 8,000 hours of training.

~~When 8,000 training hours have been completed, the trainee must take the journeyman examination. Any trainee who has failed the journeyman plumber examination cannot retake the examination for at least one month and must work under the direct supervision of a journeyman plumber until the examination is passed.~~

~~(3) To be eligible for the residential specialty plumber's examination, a residential specialty trainee must complete 6,000 hours of training under the direct supervision of either a certified specialty plumber or a journeyman plumber. Any residential specialty trainee who has failed the residential specialty examination, cannot retake the examination for at least one month and must work under the direct supervision of a certified plumber until the examination is passed.~~

~~((4))~~ (3) For domestic pump specialty plumbers:

(a) To be eligible for a limited volume domestic pump specialty plumbers examination defined by RCW 18.106.010 (10)(c), the trainee must complete 2,000 hours practical experience working under the direct supervision of a certified limited volume domestic pump specialty plumber, a certified unrestricted domestic pump specialty plumber, or a ~~((journeyman))~~ journey level plumber on pumping systems not exceeding one hundred gallons per minute. The experience may be obtained at the same time the individual is meeting the experience required by RCW 19.28.191, or equivalent experience may be accepted as determined by rule by the department in consultation with the advisory board. Restricted domestic pump specialty trainees who have completed at least 720 hours of on-the-job training and passed the competency examination required by WAC 296-400A-020 may work unsupervised for the remainder of the time required for work experience to become a restricted domestic pump specialty plumber.

(b) To be eligible for an unrestricted domestic pump specialty plumbers examination defined by RCW 18.106.010 (10)(c), the trainee must complete 4,000 hours but not less than two years, of practical experience working under the direct supervision of a certified unrestricted domestic pump specialty plumber or a ~~((journeyman))~~ journey level plumber on pumping systems. The experience may be obtained at the same time the individual is meeting the experience required by RCW 19.28.191 or equivalent experience may be accepted as determined by rule by the department in consultation with the advisory board.

~~((5))~~ (4) To be eligible for a backflow assembly maintenance and repair specialty examination, the trainee must furnish written evidence that they have a valid backflow assembly tester certification administered and enforced by the department of health.

(5) Individuals are required to complete 16 hours of continuing education with a minimum of 4 hours of industry related electrical training prior to testing for journey level, domestic pump, or residential specialty plumber certification.

(6) Effective January 1, 2005, all plumber trainees will be required to meet the current hour requirements to test.

~~((6))~~ (7) **Apprentice/trade school endorsement requirements.** An individual who has a current ~~((journeyman))~~ journey level plumber, domestic pump specialty plumber, or residential specialty plumber trainee certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in a technical school program in the plumbing construction trade in a school approved by the work force training and education coordinating board, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter. In order to work without direct on-site supervision applicable to the type (residential or ~~((journeyman))~~ journey level) of training hours for which certification is being sought by the individual, this individual must obtain an apprentice/trade school trainee endorsement by submitting the applicable forms provided by the department and paying the applicable fees. This individual may work without direct on-site supervision until he or she receives the remaining hours required to be eligible to take the applicable examination. This individual may not supervise trainees. (See RCW 18.106.070.)

~~((7))~~ (8) **Any applicant** ~~((trainee, specialty plumber or journeyman))~~ who fails an examination~~((s))~~ will be required to wait at least until the next scheduled examination date and location and work under the direct supervision of a certified plumber while holding an active trainee card, until they have passed the exam and their certificate of competency has been issued. Examinations are held the first Thursday of every month, unless that date falls on a holiday. Applications ~~((shall))~~ must be submitted and received by the plumbing certification program office two weeks before the next scheduled date.

(9) Failure to reschedule or appear on the scheduled exam date will result in forfeiture of the examination fee.

AMENDATORY SECTION (Amending WSR 10-06-051, filed 2/24/10, effective 4/1/10)

WAC 296-400A-140 How does the department enforce plumbers certification requirements? The department enforces plumber certification requirements by means of job-site inspections conducted by an authorized representative of the department. The representative must determine whether:

(1) Each person doing plumbing has their department issued certification card and governmental issued photo identification in their possession on the job site; and

(2) The ratio of certified specialty and/or ~~((journeyman))~~ journey level plumbers to certified trainees is correct; and

(3) Each certified trainee is directly supervised by either a certified specialty plumber or a certified ~~((journeyman))~~ journey level; and

(4) Persons who are installing medical gas piping systems have active medical gas piping installer endorsements in addition to their active plumber certification; and

(5) Persons who are certified as backflow assembly maintenance and repair specialties have an active backflow assembly tester certification from the department of health.

AMENDATORY SECTION (Amending WSR 10-06-051, filed 2/24/10, effective 4/1/10)

WAC 296-400A-400 What are the monetary penalties for violating certification requirements? (1) A person cited for an infraction under chapter 18.106 RCW or this chapter (~~shall~~) will be assessed a monetary penalty based upon the following schedule:

(a) Individual

First Infraction	\$250.00
Second Infraction	\$500.00
Third Infraction	\$750.00
Fourth and each additional infraction	Not more than \$1,000.00

(b) Contractor or dispatcher

First Infraction	\$250.00
Second Infraction	\$500.00
Third and each additional infraction	Not more than \$1,000.00

(2) Each day a person is in violation is considered a separate infraction.

(3) Each job site at which a person is in violation is considered a separate infraction.

AMENDATORY SECTION (Amending WSR 04-12-046, filed 5/28/04, effective 6/30/04)

WAC 296-400A-425 What if I owe outstanding penalties related to a department issued plumber infraction? The department may deny your application or renewal of your certificate or endorsement if you owe outstanding penalties. The department must notify you of their denial by registered mail, return receipt requested. This notice of denial will be mailed to the address on your application.

Upon receipt of the notice, you have twenty days to file a notice of appeal with the department. Your notice of appeal must be accompanied by a certified check for two hundred dollars. This amount will be returned to you if the department's decision is not upheld by the hearings officer. If the hearings officer upholds the department's decision, the two hundred dollars will be applied to the cost of the hearing.

The office of administrative hearings (~~shall~~) must conduct the hearing under chapter 34.05 RCW.

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-430 If I am a certified backflow assembly maintenance and repair, (~~journeyman~~) journey level, or specialty plumber do I need to be a registered contractor under chapter 18.27 RCW? Anyone who advertises, offers to do work, submits a bid, or performs any work under chapter 18.106 RCW and these rules must be a registered contractor as required under chapter 18.27 RCW, or an employee of such a registered contractor, with wages as their sole compensation.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-400A-036 How can I maintain my plumbing certificate as an honorary accomplishment?
- WAC 296-400A-122 What do I need to know about trainee experience and certification, and the backflow assembly maintenance and repair specialty examination requirements?
- WAC 296-400A-135 How does the department enforce trainee supervision?