

WSR 14-17-002
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 14-198—Filed August 6, 2014, 4:19 p.m., effective August 6, 2014, 4:19 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-62100C and 232-28-62100D; and amending WAC 232-28-621.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Preliminary estimates indicate that landed catch of chinook in Area 10 will meet the preseason expectations without modification to the fishery. The chinook fishery is being closed to control impacts on stocks of concern and ensure compliance with conservation objectives and agreed to management plans. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 6, 2014.

Joe Stohr
for Philip Anderson
Director

NEW SECTION

WAC 232-28-62100D Puget Sound salmon—Saltwater seasons and daily limits. Notwithstanding the provisions of WAC 232-28-621, effective immediately through August 31, 2014, it is unlawful to violate the provisions below. Unless otherwise amended, all permanent rules remain in effect:

(1) **Catch Record Card Area 5:** The daily limit may include an additional 2 sockeye.

(2) **Catch Record Card Area 6:** The daily limit may include an additional 2 sockeye.

(3) **Catch Record Card Area 7:** The daily limit may include an additional 2 sockeye.

(4) **Catch Record Card Area 9:**

(a) Effective immediately through August 15, 2014: Daily limit of 2 salmon, of which no more than one Chinook may be retained. Release chum and wild Chinook.

(b) Beginning August 16, 2014: Daily limit of 2 salmon. Release Chinook and chum.

(5) **Catch Record Card Area 10:**

(a) Effective immediately through August 7, 2014: Daily limit of 2 salmon, of which no more than one Chinook may be retained. Release chum and wild Chinook.

(b) Beginning August 8, 2014: Daily limit of 2 salmon. Release Chinook and chum.

(6) **Catch Record Card Area 13:**

(a) The Fox Island Public Fishing Pier is open.

(b) Daily limit of 2 salmon, of which no more than one Chinook may be retained.

(c) It is permissible to retain wild coho.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-62100C Puget Sound salmon—Saltwater seasons and daily limits. (14-148)

The following section of the Washington Administrative Code is repealed effective September 1, 2014:

WAC 232-28-62100D Puget Sound salmon—Saltwater seasons and daily limits.

WSR 14-17-003
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 14-199—Filed August 6, 2014, 4:31 p.m., effective August 9, 2014, 5:00 a.m.]

Effective Date of Rule: August 9, 2014, 5:00 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-50100X; and amending WAC 220-47-501.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule provides for Pacific Salmon Commission authorized fisheries in Areas 7 and 7A targeting the United States share of Fraser River sockeye salmon. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 6, 2014.

Joe Stohr
for Philip Anderson
Director

NEW SECTION

WAC 220-47-50100X Puget Sound all-citizen commercial salmon fishery—Open periods. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

(1) **Purse Seines** – Open to purse seine gear according to the times, dates, and conditions as prescribed and listed below:

Hours	Dates
5:00 AM - 9:00 PM	August 9

(a) It is unlawful to retain Chinook, coho and chum.

(b) Purse seine are required to brail and fishers must also use a recovery box in compliance with WAC 220-47-301 (7)(a) through (f).

(c) All salmon and rockfish must be immediately sorted, and those required to be released must be placed in an operating recovery box or released into the water before the next brail may be brought on the deck. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.

(d) It is unlawful to fish for salmon with purse seine gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department issued certification card.

(2) **Gill Nets** - Open to gill net gear with 5 inch minimum and 5 1/2 inch maximum mesh size according to the times, dates, and conditions as prescribed and listed here:

Hours	Dates
8:00 AM - 11:59 PM	August 9

(a) It is unlawful to retain rockfish.

(b) It is unlawful to fish for salmon with gill net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department issued certification card.

(3) **Reef Nets** - Open to reef net gear according to the times, dates, and conditions as prescribed and listed here:

Hours	Dates
5:00 AM - 9:00 PM	August 10

(a) It is unlawful to retain unmarked Chinook, unmarked coho, and chum.

(b) It is unlawful to retain marked Chinook unless the reef net operator is in immediate possession of a Puget Sound Reef Net Logbook. All retained marked Chinook must be recorded in the log book in accordance with requirements of WAC 220-47-401.

(c) It is unlawful to fish for salmon with reef net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in immediate possession of a department issued certification card.

(4) **"Quick Reporting Fisheries":**

All fisheries opened under this section, and any fishery opening under authority of the Fraser Panel for sockeye in Puget Sound Salmon Management and Catch Reporting Areas (WAC 220-22-030), are designated as "Quick Reporting Required" as provided in WAC 220-47-001.

REPEALER

The following section of the Washington Administrative Code is repealed effective 9:01 p.m. August 10, 2014:

WAC 220-47-50100X Puget Sound all-citizen commercial salmon fishery—Open periods

**WSR 14-17-004
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 14-194—Filed August 7, 2014, 1:50 p.m., effective August 7, 2014, 1:50 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-52-050.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency rule is needed to address new activity the department of fish and wildlife has identified in the Washington coastal shrimp fishery that compromises enforcement and protection of the pink shrimp resource. There is insufficient time to adopt permanent rules. The department is initiating permanent rule making to address this issue.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 7, 2014.

Philip Anderson
Director

NEW SECTION

WAC 220-52-05000A Ocean pink shrimp trawl fishery—Coastal waters. Notwithstanding the provisions of WAC 220-52-050, effective immediately, it is unlawful to violate the provisions below, except as allowed by a shrimp trawl fishery permit:

- (1) Fail to deliver ocean pink shrimp landings to a processing facility located on shore;
- (2) Process ocean pink shrimp at-sea;
- (3) Freeze ocean pink shrimp at-sea; or
- (4) Transfer pink shrimp catch from one fishing vessel to another.

A violation of this section is punishable under RCW 77.15.750, unlawful use of a department permit.

WSR 14-17-007

EMERGENCY RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed August 7, 2014, 3:06 p.m., effective August 7, 2014, 3:06 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Several sections of chapter 392-700 WAC require updating to address the weekly minimum contact time requirement and to provide further clarification for dropout reengagement programs.

Citation of Existing Rules Affected by this Order: Amending WAC 392-700-015, 392-700-035, 392-700-042,

392-700-137, 392-700-155, 392-700-160, 392-700-165, and 392-700-175.

Statutory Authority for Adoption: RCW 28A.150.290 (1).

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: After the passage of the 2014 supplemental budget (ESSB 6002), the 2014 legislature added a weekly minimum contact time requirement for dropout reengagement programs. This WAC revision provides rules for this requirement. Further clarification is needed to address student eligibility, program requirements, and reporting process for these programs too.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 8, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 30, 2014.

Randy Dorn
State Superintendent

AMENDATORY SECTION (Amending WSR 13-13-005, filed 6/6/13, effective 7/7/13)

WAC 392-700-015 Definitions. The following definitions in this section apply throughout this chapter:

(1) "**Agency**" means an educational service district, nonprofit community-based organization, or public entity other than a college.

(2) "**Annual average full-time equivalent (AAFTE)**" means the total student monthly full-time equivalent (FTE) reported for each enrolled student in a school year divided by ten (~~(with the maximum being 1.0 per year)~~).

(3) "**Attendance period requirement**" is defined as, at minimum, two hours of face-to-face interaction with a designated program staff for the purpose of instruction, academic counseling, career counseling, or case management contact aggregated over the prior month.

(4) "**CEDARS**" refers to comprehensive educational data and research system, the statewide longitudinal data system of educational data for K-12 student information.

~~((4))~~ (5) "**College**" means (~~(community)~~) college or technical college pursuant to chapters 28B-20 through 28B-50 RCW.

~~((5))~~ (6) "**Consortium**" means a regional group of organizations that will consist of districts, and agencies and/

or colleges who agree to work together to create and operate a program that will serve students from multiple districts and reduce the administrative burden on districts.

~~((6))~~ (7) "Consortium agreement" means

~~((a))~~ the agreement that is signed by the authorized consortium lead and all district ~~((s))~~ superintendents or their authorized officials which are part of the consortium and agree to refer eligible students to the consortium's program. This agreement will clearly outline the responsibilities of the consortium lead and those of the referring districts

~~((b))~~ The agreement that is signed by a district or college that is directly operating a program and all districts which agree to refer eligible students to the program. This agreement will clearly outline the responsibilities of the college or district directly operating the program and those of the referring districts

~~((7))~~ (8) "Consortium lead" means the lead organization in a consortium that will assume the responsibilities outlined in WAC 392-700-042(3).

~~((8))~~ "Contract" means the document signed by the administrator of a district and the administrator of an agency when the program is operated by an agency on behalf of the district and will receive compensation in accordance with WAC 392-700-165. The contract will specifically outline all the required elements of a program that the agency and the district agree to implement

(9) "Count day" is the instructional day that is used to claim a program's enrollment for state funding pursuant to WAC 392-121-033. For September, the count day is the fourth instructional day. For the remaining months, the count day is the first instructional day.

(10) "Credential" is identified as one of the following:

- (a) High school equivalency certificate;
- (b) High school diploma;
- (c) College certificate received after completion of a college program requiring at least forty hours of instruction;
- (d) College degree; or
- (e) Industry recognized certificate of completion of training or licensing received after completion of a program requiring at least forty hours of instruction.

~~((10))~~ (11) "Enrolled student" is an eligible student whose enrollment and attendance meets the criteria adopted by the office of superintendent of public instruction (OSPI) specifically for the program and outlined in WAC 392-700-035 and 392-700-160, and is reported as an FTE for state funding.

~~((11))~~ (12) "ERDC" refers to education research and data center, which conducts analyses of early learning, K-12, and higher education programs and education issues across the P-20 system that collaborates with legislative evaluation and accountability program and other statutory partner agencies.

~~((12))~~ (13) "Full-time equivalent (FTE)" is the measurement of enrollment that an enrolled student can be claimed on a monthly basis with the maximum being 1.0 FTE per month for each student enrolled in a program.

~~((13))~~ (14) "Indicator of academic progress" means standard academic benchmarks that are measures of academic performance which are attained by reengagement students. These indicators will be tracked and reported by the

program and district for each student and for programs as a whole using definitions and procedures outlined by OSPI. Indicators of academic progress will be reported when a student does one of the following:

(a) Passes one or more high school equivalency certificate measures (each measure may only be claimed once), or other state assessment;

(b) Earns high school credit or college credit.

(c) Makes a significant gain in math and/or reading skills level based on the assessment tool's determination of significant gain (may be claimed multiple times in a year);

(d) Completes approved college readiness course work with documentation of competency attainment;

(e) Completes job search and job retention course work with documentation of competency attainment;

(f) Successfully completes a paid or unpaid work based learning experience of at least forty-five hours. This experience must meet the requirements of WAC 392-410-315(2);

(g) Enrolls in a below one hundred level class other than adult basic education (ABE), high school equivalency certificate, or English as a second language (ESL) class; or

(h) Transitions from an ESL class to ABE or high school equivalency certificate class;

(i) Transitions from ABE or high school equivalency certificate class to a below one hundred level math or English class;

(j) Transitions from a below one hundred level math or English class to the next below one hundred level math or English class or from a below one hundred level math or English class to college level math or English class; and

(k) Transitions from ABE or high school equivalency certificate class to a college level class (other than English or math).

(15) "Instructional staff" means the following:

(a) For programs operated by ~~((or in partnership with))~~ a district, the instructional staff is a certificated instructional staff pursuant to WAC 392-121-205;

(b) For programs operated by ~~((or in partnership with))~~ a college, the instructional staff is one who is employed or appointed by the college whose required credentials are established by the college; and

(c) For programs operated by ~~((or in partnership with))~~ an agency, the instructional staff is one who is employed or appointed by the agency whose required credentials are established by the agency.

~~((14))~~ "Interlocal agreement" means the document signed by the administrator of a district and the administrator of a college when the program is operated by a college on behalf of the district and will receive compensation in accordance with WAC 392-700-165. The interlocal agreement will specifically outline all the required elements of a program that the college and the district agree to implement.

~~((15))~~ (16) "Letter of intent" means the document signed by the ~~((administrator of a district or college))~~ district, college or lead agency authorized official that specifically outlines to OSPI the required elements of a program that the district ~~((or)),~~ college, or agency agree to implement.

~~((16))~~ "Measure of academic progress" means standard academic benchmarks that are measures of academic performance which are attained by reengagement students in

addition to a credential. These measures will be tracked and reported by the program and district for each student and for programs as a whole using definitions and procedures outlined by OSPI. Measures of academic progress will be reported when a student does one of the following:

(a) Passes one or more high school equivalency certificate measures (each measure may only be claimed once);

(b) Makes a significant gain in math and/or reading skills level as measured by a post-test using a commonly accepted standardized assessment (may be claimed multiple times in a year);

(c) Completes approved college readiness course work with documentation of competency attainment;

(d) Completes job search and job retention course work with documentation of competency attainment;

(e) Successfully completes a paid or unpaid work-based learning experience of at least forty-five hours. This experience must meet the requirements of WAC 392-410-315(2);

(f) Enrolls in postsecondary classes other than adult basic education (ABE), high school equivalency certificate, or English as a second language (ESL); or

(g) Transitions from ESL to ABE high school equivalency certificate classes;

(h) Transitions from ABE high school equivalency certificate classes to postsecondary developmental math and English classes (math or English classes below the 101 level);

(i) Transitions from postsecondary developmental math or English classes to the next level of postsecondary developmental math or English or from postsecondary developmental math or English classes to college-level math and English classes (classes at 101 or above); and

(j) Transitions from ABE high school equivalency certificate classes to college-level classes at 101 or above (other than English or math).

~~(17) "Minimum attendance standard" means the minimum attendance that must be made by a student enrolled in a program in order to be eligible to be claimed on any monthly count day.~~

~~(18)) (17) "Noninstructional staff" is any person employed in a position that is not an instructional staff as defined under subsection (13) of this section.~~

~~((19)) (18) "OSPI" means the office of superintendent of public instruction.~~

~~((20)) (19) "Program" means a statewide dropout reengagement program approved by OSPI, ((established through E2SHB 1418, and)) pursuant to RCW 28A.175.105.~~

(20) "School week" means any seven-day calendar period starting with Sunday and continuing through Saturday.

(21) "School year" is the twelve-month period that begins ((in)) September 1st and ends ((in)) August 31st during which instruction is provided and FTE is reported.

(22) "Scope of work" means the document signed by district superintendent or their authorized official and the authorized official of a program to be included in a contracted services agreement when the program is operated by a provider on behalf of the district and will receive compensation in accordance with WAC 392-700-165. The scope of work

will specifically outline all the required elements of a program that the provider and the district agree to implement.

(23) "Weekly status check" means a one-to-one interaction between a designated program staff and student. Weekly status check:

(a) Can be accomplished in person or through the use of telephone, e-mail, instant messaging, interactive video communication, or other means of digital communication;

(b) Must be for the purposes of instruction, academic counseling, career counseling, or case management;

(c) Must be documented; and

(d) Must occur at least once during a school week.

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

AMENDATORY SECTION (Amending WSR 13-13-005, filed 6/6/13, effective 7/7/13)

WAC 392-700-035 Student eligibility. (1) Students are eligible to enroll in a program when they meet the following criteria:

(a) Under twenty-one years of age, but at least sixteen years of age, as of September 1st;

(b) Have not yet met the high school graduation requirements of either the district, or the college under RCW 28B.50.535; and

(c) Are significantly behind in credit as outlined below:

(i) Students who, based on their expected graduation date, participated or could have participated in up to two full years of high school must have an earned to attempted credit ratio that is sixty-five percent or less; or

(ii) Students who, based on their expected graduation date, participated or could have participated in more than two full years of high school must have an earned to attempted ratio that is seventy-five percent or less.

(2) If not credit deficient as outlined in subsection (1)(c) of this section, have been:

(a) Recommended for enrollment by case managers from the department of social and health services, the juvenile justice system, district approved school personnel, or staff from community agencies which provide educational advocacy services;

(b) Are not currently enrolled in any high school or other educational program, excluding an approved skill center program or running start program, receiving state basic education funding; and

(c) Released from their district of residence and accepted by the serving district, if the program is operated by a different district.

(3) Once determined eligible for enrolling in the program, a student will retain eligibility, regardless of breaks in enrollment, until the student does one of the following:

(a) Earns a high school diploma;

(b) Earns an associate degree;

(c) Becomes ineligible because of age which occurs when a student is twenty-one years of age as of September 1st.

(4) A student's eligibility does not guarantee enrollment or continued enrollment in specific programs if the program

determines that the student does not meet the program's enrollment criteria or if, after enrollment, a student's academic performance or conduct does not meet established program guidelines.

AMENDATORY SECTION (Amending WSR 13-13-005, filed 6/6/13, effective 7/7/13)

WAC 392-700-042 Program operating agreements and OSPI approval. (1) Districts, agencies, and colleges are encouraged to work together to design programs and collaborations that will best serve students. Many models of operation are authorized as part of the statewide dropout reengagement system.

(a) In each of these models, the necessary agreement(s) will address whether the program will only serve students who are residents of the district or whether the program will also serve students who are not residents of the district but who petition for release from the resident district, pursuant to RCW 28A.225.220 through 28A.225.230, in order to attend the program. If the resident district does not participate in an OSPI approved program, another district, agency, or college may petition a district other than the resident district to enroll the eligible students under RCW 28A.225.220 through 28A.225.230 with the petitioning entity to provide a program for the eligible students.

(b) Regardless of the model of operation, the state funding is allocated to the district or direct funded technical college that is reporting the student's enrollment for the program.

(2) A district may enter into one of the following models of operations through the OSPI approval process:

- ~~((i) An interlocal agreement with a college;~~
- ~~(ii) A contract with an agency; or~~
- ~~(iii) Directly operate a program through a letter of intent.~~

~~In each of these models, the necessary agreement will address whether the program will only serve students who are residents of the district or whether the program will also serve students who are not residents of the district but who petition for release from the resident district, under RCW 28A.225.220 through 28A.225.230, in order to attend the program.~~

~~(b) A district may work with other districts, with regional partner agencies, with colleges in or near the district to form a consortium.)~~ (a) Directly operate a program where the services are provided by the district resources; or

(b) Enter into a partnership with an agency or college that will provide the services through a defined scope of work or contracted services agreement; or

(c) Become part of a consortium with other districts, colleges, and/or agencies by executing a consortium agreement that is signed by all member districts.

(3) The purpose of the consortium will be to create and operate a program that will serve students enrolled in multiple districts and reduce the administrative burden on districts. If such a regional reengagement consortium is implemented, a consortium lead agency will be identified and assume the following responsibilities:

~~((+))~~ (a) Take the lead in organizing and managing the regional consortium;

~~((+))~~ (b) Provide information and technical assistance to districts interested in participating in the consortium and providing the opportunity for students from their district to enroll;

~~((+))~~ (c) Develop a consortium agreement that is signed by all member districts;

~~((+))~~ (d) Develop interlocal agreements and contracts) (c) Advance scopes of work with agencies and colleges to operate the programs;

~~((+))~~ (d) Provide oversight and technical assistance to the program to ~~((ensure compliance))~~ align with all requirements of this chapter and the delivery of quality programming;

~~((+))~~ (e) Assist the program with the preparation of required reports, enrollment data, and course records needed by each district to enroll students, award credit, and report FTE and performance to OSPI;

~~((+))~~ (f) Facilitate data entry of required student data into each district's statewide student information system related to enrollment; and

~~((+))~~ (g) Work with the districts to facilitate the provision of special education and accommodations under Section 504 of the Rehabilitation Act of 1973.

~~((+))~~ (4) A technical college receiving direct funding and authorized to enroll students under WAC 392-121-187 may directly operate a program and serve students referred from multiple districts. The technical college will assume the responsibilities of operating the program as described in this chapter and will meet all responsibilities outlined in WAC 392-121-187.

~~((2))~~ (5) All programs must be approved by OSPI as follows:

(a) If the program is run by a district, agency or college, the program must be approved.

(b) If the program is run by a consortium, both the program and participating districts must be approved.

~~((3))~~ (6) Dependent on the model of operations, OSPI will specify the necessary documentation required for approval.

~~((4))~~ (7) OSPI will provide ~~((a)) model ((interlocal agreement, a model contract, a model letter of intent, and a model consortium agreement))~~ documents that can be modified to include district/college/agency specific language and will indicate which elements of these standard documents must be submitted to OSPI for review and approval.

~~((5))~~ (8) Upon initial approval, OSPI will specify the duration of the approval~~((, assign a school code,))~~ and indicate the necessary criteria to obtain reapproval~~((, The school code will be used to uniquely identify this program and all students enrolled in the program in the district's/college's student data system and in CEDARS.~~

~~((6))~~ If a district does not operate a program directly or enter into an interlocal agreement or contract with an agency or college, the agency or college may petition a district other than the resident district to enroll the eligible students under RCW 28A.225.220 through 28A.225.230 and enter into an interlocal agreement or contract with the petitioning entity to provide a program for the eligible students).

~~((7))~~ (9) After receiving a notice of approval, each district must request from OSPI the assignment of a school code

through the EDS system following current protocol. The school code will be used to uniquely identify this program and all students enrolled in the program in the district's/college's student data system and in CEDARS.

(10) This chapter does not affect the authority of districts, under RCW 28A.150.305 and 28A.320.035, to contract for educational services other than reengagement programs as defined by WAC 392-700-015~~((=20))~~ (19).

AMENDATORY SECTION (Amending WSR 13-13-005, filed 6/6/13, effective 7/7/13)

WAC 392-700-137 Award of credit. (1) For programs operated by districts and agencies, high school credit will be awarded for all course work in which students are enrolled, including high school equivalency certificate preparation, in accordance with the following:

(a) Determination of credit will take place on a quarterly basis with quarters defined as follows:

- (i) September through November;
- (ii) December through February;
- (iii) March through May; and
- (iv) June through August.

(b) Credit will be awarded at the end of each quarter, in accordance with the following guidelines, if the student has been enrolled for at least one month of the quarter:

(i) A maximum of 0.5 high school elective credits will be awarded when a student passes one or more standardized high school equivalency certificate pretests during the quarter and the instructional staff has assessed student learning and determined that a course of study has been successfully completed.

(ii) A 0.5 high school elective credit will be awarded when a student makes a statistically significant standardized assessment post-test gain in a specific subject area during the quarter and the following conditions are met:

(A) The student's standardized skills assessment score at the beginning of the quarter demonstrated high school level skills; and

(B) The instructional staff has assessed student learning and determined that a course of study has been successfully completed. A maximum of 1.0 credit may be awarded for such subject gains in a quarter.

(iii) High school elective credit ranging from at least 0.1 credits to no more than 0.25 credits will be awarded for completion of a work readiness or college readiness curriculum in which the student has demonstrated mastery of specific competencies. The district and the agency will determine the amount of credit to be awarded for each course of study based on the competencies to be attained.

(iv) For students taking part in district approved subject-specific credit recovery course work, the amount and type of credit to be awarded will be defined by the district.

(v) The district may elect to award credit for other course work provided by the agency with amount of credit to be awarded determined in advance, based on the agency's instructional staff's recommendation and on a district review of the curriculum and intended learning outcomes. Credit will only be awarded when:

(A) The student's standardized skills assessment score at the start of the quarter demonstrates high school level skills; and

(B) The instructional staff has assessed student learning and determined that the course of study has been successfully completed.

(2) For programs operated by colleges, high school credit will be awarded for course work in which students are enrolled, in accordance with the following:

(a) The district and the college will determine whether the high school diploma will be awarded by the district or by the college as part of the college's high school completion program.

(b) If the college is awarding the diploma:

(i) 1.0 high school credit will be awarded for successful completion of every five quarter or three semester hours of college course work at or above the one hundred level. The college will determine the type of credit;

(ii) 1.0 high school credit will be awarded for successful completion of every five quarter or three semester hours of ~~((college)) below one hundred level~~ course work ~~((that is below the one hundred level))~~ at a college but has been determined by the college to be at the ninth grade level or higher. The college will determine the type of credit. College based high school equivalency certificate and adult basic education (ABE) classes will not be included in this category;

(iii) 0.5 elective credits will be awarded for successful completion of every five quarter or three semester hours of high school equivalency certificate course work; and

(iv) ABE courses or other college courses that have been determined to be below the ninth grade level that does not generate high school credit will be counted as part of the program's instructional programming for the purposes of calculating FTE.

(c) If the district is awarding the diploma:

(i) 1.0 high school credit will be awarded for successful completion of every five quarter or three semester hours of ~~((college)) below one hundred level~~ course work ~~((at or above the one hundred level))~~ at a college. The district will determine the type of credit;

(ii) 0.5 or 1.0 high school credit will be awarded for successful completion of every five quarter or three semester hours of ~~((college)) below one hundred level~~ course work ~~((that is below the one hundred level))~~ at a college but has been determined by the district to be at the ninth grade level or higher. The district will determine the type and amount of credit for each class. College based high school equivalency certificate and ABE classes will not be included in this category;

(iii) 0.5 elective credits will be awarded for successful completion of every five quarter or three semester hours of high school equivalency certificate course work; and

(iv) ABE courses or other college courses that have been determined to be below the ninth grade level will not generate high school credit but the college credits associated with these courses will be included in the total credit count used to calculate and report student FTE.

(3) The district is responsible for reporting all high school credits earned by students in accordance with OSPI regulations. College transcripts and other student records

requested by the district will be provided by the college or agency as needed to facilitate this process.

(4) The district will ensure that the process for awarding high school credits under this ~~((contract))~~ scope of work is implemented as part of the district's policy regarding award of credits per WAC 180-51-050 (5) and (6).

AMENDATORY SECTION (Amending WSR 13-13-005, filed 6/6/13, effective 7/7/13)

WAC 392-700-155 Annual reporting calendar. (1) For programs operated by district and agencies and for below one hundred level classes offered in a college operated program, the following requirements will be met in relation to the school calendar:

(a) ~~((The))~~ A school year begins ~~((in))~~ September 1st and ends ~~((in))~~ August 31st.

(b) The program will provide the reporting district a calendar of the school year prior to the beginning of the program's start date for that school year.

(c) The school year calendar must meet the following criteria:

(i) The specific planned days of instruction will be identified; and

(ii) There must be a minimum of ten instructional months.

(d) The number of hours of instruction as defined in WAC 392-700-065 must meet the following criteria:

(i) The calculation for standard instructional day may not exceed six hours per day even ~~((if))~~ when instruction is provided for more than six hours per day; and

(ii) The standard instructional day may not be less than two hours per day.

(e) The total planned hours of instruction for the school year:

(i) Is the sum of the instructional hours for all instructional months of the school year; and

(ii) Must be at a minimum of nine hundred planned hours of instruction for the school year.

(2) For programs operated by colleges ~~((and))~~ and for college level classes, the school year calendar shall meet the following criteria:

~~((a))~~ (a) The specific planned days of instruction will be identified; and

~~((b))~~ (b) There must be a minimum of ten instructional months.

~~((b))~~ The count day for each month is the first college instructional day of the month.

AMENDATORY SECTION (Amending WSR 13-13-005, filed 6/6/13, effective 7/7/13)

WAC 392-700-160 Reporting of student enrollment.

(1) For all programs, the following will apply when reporting student enrollment for each monthly count day:

(a) Met all eligibility criteria pursuant to WAC 392-700-035;

(b) Been accepted for enrollment by the reporting district or the direct funded technical college;

(c) Enrolled in an approved program pursuant to WAC 392-700-042;

~~((d))~~ (d) Met the ((minimum attendance standard by attending at least one instructional day on count day or during the month prior to count day)) attendance period requirement pursuant to WAC 392-700-015(3);

~~((e))~~ (e) Met the weekly status check requirement pursuant to WAC 392-700-015(23);

~~((f))~~ (f) Has not withdrawn or been dropped prior to the monthly count day;

~~((g))~~ (g) Is not enrolled in course work that has been reported by a college for postsecondary funding;

~~((h))~~ (h) Is not enrolled at a state institution on count day and reported by a state institution for funding.

~~((i))~~ (i) Is not enrolled in a high school program, including alternative learning experience or college in the high school, or another reengagement program.

~~((j))~~ (j) If concurrently enrolled in ((any other program for which basic education allocation funding is received, i.e., common high school, running start, alternative learning experience, or college in the high school)) a skills center program or running start program, does not exceed the FTE limitation pursuant to WAC 392-121-136;

~~((k))~~ (k) Is not enrolled in course work that has been reported by a college for postsecondary funding; and

~~((l))~~ (l) A student's enrollment in the program is limited to the following:

(i) May not exceed 1.0 FTE in any month (including nonvocational and vocational FTE).

(ii) May not exceed 1.00 AAFTE in any school year as defined in WAC 392-700-015(2).

~~((2))~~ (2) For ((programs operated by districts and agencies)) all below one hundred level classes, the student enrollment is dependent upon attaining satisfactory progress during any three month period that a student is reported as 1.0 FTE.

(a) Satisfactory progress is defined as the documented attainment of at least one credential identified in WAC 392-700-015~~((9))~~ (10) and/or of at least one ((measure)) indicator of academic progress identified in WAC 392-700-015~~((16))~~ (14).

(b) A student who after any three month period of being counted for a 1.0 FTE has not attained a credential or ((a measure)) an indicator of academic progress cannot be counted until a credential or ((measure)) an indicator of academic progress is earned.

(i) During this reporting exclusion period, the program may elect to permit the student to continue to attend;

(ii) When the student achieves a credential or ((a measure)) an indicator of academic progress, the student enrollment may resume to be reported for funding. A new three month period for attaining a credential or ((a measure)) an indicator of academic progress begins; and

(iii) Rules governing the calculation of the three month period are:

(A) The three month period may occur in two different school years, if the student is enrolled in consecutive school years; and

(B) The three month period is not limited to consecutive months, if there is a break in the student's enrollment~~((; and~~

~~((C))~~ (C) For students claimed less than 1.0 FTE, the three month period is adjusted proportionately to provide addi-

itional time to attain a credential or a measure of academic progress)).

(3) For ~~((programs operated by districts or agencies))~~ below one hundred level classes, student enrollment will be reported as follows:

(a) ~~((H))~~ When the program's total planned hours of instruction pursuant to WAC 392-700-155 ~~((+)(d))~~ for the school year equals or exceeds nine hundred hours:

(i) The program ~~((will be))~~ is considered a full-time program; and

(ii) An enrolled student is a full-time student and is reported as 1.0 FTE on each monthly count day.

(b) ~~((If the program's total planned hours of instruction for the school year totals less than nine hundred hours:~~

~~(i) The program will be considered a part-time program;~~

~~(ii) An enrolled student is a part-time student and is reported as a part-time FTE on each monthly count day; and~~

~~(iii) The part-time FTE is calculated by dividing the program's total planned hours of instruction by nine hundred.)~~

Enrollment in below one hundred level classes is limited to nonvocational funding and the FTE cannot be claimed as vocational.

(4) For ~~((reengagement programs operated by))~~ college ~~(s))~~ level classes, student enrollment will be reported as follows:

(a) ~~((For students enrolled in college level classes,))~~ The FTE is determined by the student's enrolled credits on each monthly count day.

(i) Fifteen college credits equal 1.0 FTE;

(ii) A student enrolled in more than fifteen college credits is limited to be reported as 1.0 FTE for that month; and

(iii) If a student is enrolled for less than fifteen college credits, the FTE is calculated by dividing the enrolled college credits by fifteen.

(b) ~~((For students enrolled in classes below college level pursuant to WAC 392-700-065(3), the student must meet the requirement of attaining satisfactory progress during any three-month period pursuant to WAC 392-700-160(2) and the program's FTE for each student is based on the program's total planned hours of instruction pursuant to WAC 392-700-160(3-))~~ Enrollment in state approved vocational college level classes and taught by a certified vocational instructor can be claimed for enhanced vocational funding as a vocational FTE.

AMENDATORY SECTION (Amending WSR 13-13-005, filed 6/6/13, effective 7/7/13)

WAC 392-700-165 Funding and reimbursement. (1) OSPI shall apportion funding for an approved program to district or direct funded technical colleges based upon the reported nonvocational and vocational FTE enrollment and the standard reimbursement rates. The standard reimbursement rates are the statewide average annual nonvocational and vocational rates as determined by OSPI pursuant to WAC 392-169-095.

(a) The basic education allocation funded to districts will be as follows:

(i) Monthly payments for the months September through December is based on estimated student enrollment projected by the district.

(ii) Beginning in January, monthly payments shall be adjusted to reflect actual student enrollment.

(b) Direct funded technical colleges will be paid quarterly pursuant to WAC 392-121-187 (7)(c).

(2) Distribution of state funding for programs is as follows:

(a) For programs directly operated by a district, the district will retain one hundred percent of the basic education allocation.

(b) For programs directly operated by a direct funded technical college pursuant to WAC 392-121-187, the technical college will retain one hundred percent of the basic education allocation.

(c) For programs operated by a college or agency under ~~((contract))~~ a scope of work or ~~((interlocal))~~ contracted services agreement with a district:

(i) The district may retain up to seven percent of the basic education allocation; and

(ii) The agency or college will receive the remaining basic education allocation.

(d) For programs operated as part of a consortium with a consortium lead agency:

(i) The district may retain up to five percent of the basic education allocation;

(ii) The consortium lead may retain up to seven percent of the basic education allocation; and

(iii) The operating agency or college will receive the remaining basic education allocation.

(3) In the event that the program closes prior to the end of the school year, the following will occur:

(a) If the planned days of instruction, as provided on the school year calendar are not provided, the ~~((agency))~~ program may make up the scheduled days, as long as the replacement days occur during the school year;

(b) At the end of the school year, prior to the final monthly count day, the ~~((agency))~~ program will report to the district the actual total hours of instruction provided; and

(c) If the program was a full-time program and total hours of instruction provided is less than nine hundred hours of instruction, the amount of basic education funding received by the district and ~~((agency))~~ program will be adjusted retroactively on a proportional status and will be reflected on the final enrollment count ~~((and~~

~~((d) If the program was a part-time program and total hours of instruction provided is less than the total planned hours of instruction, the amount of basic education funding received by the district and agency will be adjusted retroactively on a proportional status and will be reflected on the final enrollment count)).~~

(4) Programs and districts may provide transportation for students but additional funds are not generated or provided.

(5) Reengagement students enrolled in a state-approved K-12 transitional bilingual instructional program pursuant to chapter 392-160 WAC can be claimed by the district for bilingual enhanced funding.

AMENDATORY SECTION (Amending WSR 13-13-005, filed 6/6/13, effective 7/7/13)

WAC 392-700-175 Required documentation and reporting. (1) Student documentation:

(a) The program shall submit to the reporting district or direct funded technical college monthly the program's enrollment and maintain and make available upon request the following documentation to support the monthly enrollment claimed ~~((and make available upon request by the reporting district or direct funded technical college))~~:

(i) Each student's eligibility pursuant to WAC 392-700-035;

(ii) Evidence of each student's enrollment requirements under WAC 392-700-160 to include:

(A) Enrollment in district or direct funded technical college;

(B) Evidence of minimum attendance ~~((standard))~~ period; and

(C) Earned credentials or attained ~~((measure))~~ an indicator of progress.

(D) Evidence of weekly status check.

(iii) Case management support pursuant to WAC 392-700-085.

(b) The district, agency, or college operating the program shall comply with all state and federal laws related to the privacy, sharing, and retention of student records.

(c) Access to all student records will be provided in accordance with the Family Educational Rights and Privacy Act (FERPA).

(2) Student reporting:

(a) The district, agency, or college to which the school code is assigned will ensure that there is accurate and timely data entry of all program student information into its student data system.

(b) The district, agency, or college to which the school code is assigned will transmit student data to CEDARS in accordance with OSPI standards and procedures for reengagement programs.

(3) Annual reporting in addition to meeting CEDARS requirements:

(a) The program will prepare and submit an annual performance report to the district, agency, or college to which the school code is assigned no later than ~~((September))~~ October 1st.

(b) The district, agency, or college to which the school code is assigned will review and submit the annual performance report to OSPI no later than ~~((September 30th))~~ November 1st.

(c) The annual report will include the following:

(i) Program's total number of students by gender, age, and race/ethnicity who were enrolled, who were dismissed by program, and ~~((withdrawn))~~ who voluntarily withdrew.

(ii) Program's total number of students by gender, age, race/ethnicity, and credential type who earned a credential as defined in WAC 392-700-015(10).

(iii) Program's total number of students by gender, age, race/ethnicity, and indicator of academic progress types who attained an indicator of academic progress as defined in WAC 392-700-015(14). For high school and college credit, detail the subject area.

(iv) Total AAFTE and average annual headcount by program reported for the school year.

~~((iii))~~ (v) Total number of instructional staff FTE.

(A) For programs operated by a district or agency, report total number of instructional staff assigned to the program.

(B) For programs operated by a college, report the number of instructional staff teaching students for the program.

~~((iv) Types and total measures of academic progress completed per AAFTE.~~

~~(v) Types and total credentials earned per AAFTE.~~

~~(vi) Total high school credits earned and high school credits per AAFTE.~~

~~(vii) Total college credits earned and college credits earned per AAFTE.))~~

WSR 14-17-008

EMERGENCY RULES

**SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed August 7, 2014, 3:07 p.m., effective August 7, 2014, 3:07 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Several sections of chapter 392-169 WAC require updating to address changes to the full-time employee (FTE) and annual average full-time employee (AAFTE) calculation, and to add a September count day.

Citation of Existing Rules Affected by this Order: Amending WAC 392-169-025, 392-169-030, 392-169-055, and 392-169-100.

Statutory Authority for Adoption: RCW 28A.150.290

(1).

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: With the emergence of running start offered in the high school setting, some sections of the running start WAC chapter require updating to add a month factor to the FTE calculation, to revise the number of months the AAFTE will be calculated, and to add a September count day.

WAC 392-169-005 requires joint agreement with the office of superintendent of public instruction, state board of community and technical colleges, and Washington student achievement council. Both agencies have reviewed and approved the proposed changes.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 4, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 30, 2014.

Randy Dorn
State Superintendent

AMENDATORY SECTION (Amending WSR 95-09-042, filed 4/14/95, effective 5/15/95)

WAC 392-169-025 Full-time equivalent (FTE) running start enrollment—Definition. For the purposes of this chapter and chapter 392-121 WAC, "full-time equivalent (FTE) running start enrollment" (i.e., college or university enrollment) means the FTE of running start students on an enrollment count date when each student's FTE is determined subject to the limitations of WAC 392-169-022, 392-169-055 and 392-169-115 as follows:

(1) ~~((For college or university courses denominated in quarter credits, the quotient of an eligible student's quarter credits of running start enrollment divided by fifteen.~~

(2) ~~For college or university courses denominated in semester credits, the quotient of an eligible student's semester credits of running start enrollment divided by fifteen.~~

(3) ~~For college or university courses not denominated in quarter or semester credits, the quotient of an eligible student's average hours of running start enrollment per week divided by twenty-five. Hours of enrollment shall be determined pursuant to WAC 392-121-106 through 392-121-183.~~

(4)) FTE for running start enrollment is the result of multiplying the quotient of a student's enrolled college credits divided by fifteen and the quotient of three divided by the number of months the running start class is provided.

(2) The sum of the results of running start enrollment under subsection ~~((s (1), (2) and (3)))~~ (1) of this section at all colleges shall not exceed 1.00 FTE per student on any count day ~~((or))~~ except for the month of January or 1.00 annual average FTE in any school year.

AMENDATORY SECTION (Amending WSR 94-04-095, filed 2/1/94, effective 3/4/94)

WAC 392-169-030 Annual average full-time equivalent (AAFTE) running start enrollment—Definition. For purposes of this chapter and chapter 392-121 WAC, "annual average full-time equivalent (AAFTE) running start enrollment" means:

(1) For running start classes offered at the college campus, the sum of the AAFTE of all running start students for a school year when each running start student's AAFTE equals the sum of the student's running start FTE enrollment on the nine running start count dates divided by nine.

(2) For running start classes offered in the high school setting, the sum of the AAFTE of all running start students for a school year when each running start student's AAFTE equals the sum of the student's running start FTE enrollment on the ten running start count dates divided by ten.

AMENDATORY SECTION (Amending WSR 95-09-042, filed 4/14/95, effective 5/15/95)

WAC 392-169-055 Enrollment—Extent and duration of running start enrollment. Running start program enrollment under this chapter is limited as follows (and as may be further limited for academic reasons under WAC 392-169-057):

(1) An eligible student who enrolls in grade eleven may enroll in an institution of higher education while in the eleventh grade for no more than the course work equivalent to one academic year of enrollment as an annual average full-time equivalent running start student (i.e., three college or university quarters as a full-time equivalent college or university student, ~~((or))~~ two semesters as a full-time equivalent college or university student ~~((or))~~, nine months as a full-time equivalent technical college student, or ten months as a full-time equivalent student taking running start classes in the high school setting).

(2) An eligible student who enrolls in grade twelve may enroll in an institution of higher education while in the twelfth grade for no more than the course work equivalent to one academic year of enrollment as an annual average full-time equivalent running start student (i.e., three college or university quarters as a full-time equivalent community college or university student, ~~((or))~~ two semesters as a full-time equivalent college or university student ~~((and))~~, nine months as a full-time equivalent technical college student, or ten months as a full-time equivalent student taking running start classes in the high school setting).

(3) Enrollment in an institution of higher education is limited to the fall, winter and spring quarters, ~~((and))~~ the fall and spring semesters, and the district standard school year (September through June).

(4) As a general rule a student's eligibility for running start program enrollment terminates at the end of the student's twelfth grade regular academic year, notwithstanding the student's failure to have enrolled in an institution of higher education to the full extent permitted by subsections (1) and (2) of this section: Provided, That a student who has failed to meet high school graduation requirements as of the end of the student's twelfth grade regular academic year (September ~~((or))~~ through June) due to the student's absence, the student's failure of one or more courses, or another similar reason may continue running start program enrollment for the sole and exclusive purpose of completing the particular course or courses required to meet high school graduation requirements, subject to the enrollment limitation established by subsection (2) of this section.

AMENDATORY SECTION (Amending WSR 95-09-042, filed 4/14/95, effective 5/15/95)

WAC 392-169-100 Running start enrollment count dates. Enrollment count dates for the running start program shall be as follows:

(1) For community and technical colleges and for Central Washington University and Eastern Washington University classes offered at the college campus, the first college or university day of each of the months of October through June; and

(2) For Washington State University classes offered at the college campus, the first university day of each of the months of September through May.

(3) For running start classes offered at the high school setting, the first instructional day of each of the months September through June.

WSR 14-17-010
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 14-200—Filed August 7, 2014, 4:53 p.m., effective August 7, 2014, 4:53 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-04000J; and amending WAC 220-24-040.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable quota of salmon is available for the troll fleet. An increase in the chinook and coho cap is necessary to keep the fishery on track to take the quota over the summer season. These rules are adopted at the recommendation of the Pacific Fisheries Management Council, in accordance with preseason fishing plans. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 7, 2014.

Philip Anderson
Director

NEW SECTION

WAC 220-24-04000K All-citizen commercial salmon troll. Notwithstanding the provisions of WAC 220-24-040,

effective immediately until further notice, it is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons provided for in this section:

(1) Salmon Management and Catch Reporting Areas 1, 2, 3, and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude, open:

August 8 through August 12, 2014;
August 15 through August 19, 2014;
August 22 through August 26, 2014;
August 29 through September 2, 2014;
September 5 through September 9, 2014; and
September 12 through September 15, 2014.

(2) Landing and possession limit of 75 Chinook and 150 marked coho per boat per each entire open period for the entire Catch Areas 1, 2, 3 and 4. The Cape Flattery and Columbia River Control Zones are closed. No boat may land or possess more than 75 Chinook and 150 marked coho during the entire open period. All coho must have a healed adipose fin clip.

(3) Mandatory Yelloweye Rockfish Conservation Area is closed.

(4) Minimum size for Chinook salmon is 28 inches in length. Minimum size for Coho salmon is 16 inches in length. No minimum size for pink, sockeye, or chum salmon, except no chum retention north of Cape Alava, Washington, in August and September. It is unlawful to possess wild coho salmon.

(5) Lawful troll gear is restricted to all legal troll gear with single-point, single-shank barbless hooks.

(6) Fishers must land and deliver their catch within 24 hours of any closure of a fishery provided for in this section, and vessels fishing or in possession of salmon while fishing north of Leadbetter Point must land and deliver their fish within the area and north of Leadbetter Point. Vessels fishing or in possession of salmon while fishing south of Leadbetter Point must land and deliver their fish within the area and south of Leadbetter Point. Vessels in possession of salmon north of the Queets River may not cross the Queets River line without first notifying WDFW by phone at (360) 902-2739 or by email at Douglas.Milward@dfw.wa.gov with area fished, total Chinook and halibut catch on board, and destination. Vessels in possession of salmon south of the Queets River may not cross the Queets River line without first notifying WDFW by phone at (360) 902-2739 or by email at Douglas.Milward@dfw.wa.gov with Area fished, total Chinook and halibut catch on board, and destination. Any vessel in area 3 or 4 with fish on board from any Area 1, 2, 3 or 4 may not possess more than 35 Chinook or 40 coho on board.

(7) The Cape Flattery Control Zone is defined as the area from Cape Flattery (48°23'00" N latitude) to the northern boundary of the U.S. Exclusive Economic Zone, and the area from Cape Flattery south to Cape Alava, 48°10'00" N latitude, and east of 125°05'00" W longitude.

(8) Columbia Control Zone – This is defined as an area at the Columbia River mouth, bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N. Lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09" N. lat., 124°06'16" W. long.); on

the east, by the Buoy #10 line, which bears north/south at 357° true from the south jetty at 46°14'00" N. lat., 124°03'07" W. long, to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N. lat., 124°05'20" W. long.), and then along the north jetty to the point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

(9) Mandatory Yelloweye Rockfish Conservation Area – This is defined as the area in Salmon Management and Catch Reporting Area 3 from 48°00.00' N latitude; 125°14.00' W longitude to 48°02.00' N latitude; 125°14.00' W longitude to 48°02.00' N latitude; 125°16.50' W longitude to 48°00.00' N latitude; 125°16.50' W longitude and connecting back to 48°00.00' N latitude; 125°14.00' W longitude.

(10) It is unlawful to fish in Salmon Management and Catch Reporting Areas 1, 2, 3 or 4 with fish on board taken south of Cape Falcon, Oregon; and all fish taken from Salmon Management and Catch Reporting Areas 1, 2, 3, and 4 must be landed before fishing south of Cape Falcon, Oregon.

(11) It is unlawful for wholesale dealers and trollers retailing their fish to fail to report their landing by 10:00 a.m. the day following landing. Ticket information can be telephoned in by calling 1-866-791-1279, or faxing the information to (360) 902-2949, or e-mailing to trollfishtickets@dfw.wa.gov. Report the dealer name, the dealer license number, the purchasing location, the date of purchase, the fish ticket numbers, the gear used, the catch area, the species, the total number for each species, and the total weight for each species, including halibut.

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

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

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-04000J All-citizen commercial salmon troll.
(13-196)

WSR 14-17-011 EMERGENCY RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Behavioral Health and Service Integration Administration)

[Filed August 7, 2014, 5:56 p.m., effective August 7, 2014, 5:56 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The proposed amendment revises WAC 388-865-0526 which contains the department's rules for single bed certification allowing treatment to an adult on a seventy-two hour detention or fourteen-day commitment in a facility that is not certified under chapter 388-865 WAC. This amendment will allow residential treatment facilities to be recognized for single bed certification.

Citation of Existing Rules Affected by this Order: Amending WAC 388-865-0526.

Statutory Authority for Adoption: RCW 71.05.560, 71.24.035, and 71.34.380.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This amendment may allow for certain appropriate consumers to be certified to a residential treatment facility and may prevent the inappropriate release of some patients who need involuntary mental health treatment. Some patients have received a single bed certification for the purposes of overcrowding and received emergent care in hospital emergency and acute care departments. Revising WAC 388-865-0526 will support appropriate evaluation and treatment in a residential treatment facility defined under chapter 246-337 WAC.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: August 7, 2014.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 09-02-030, filed 12/30/08, effective 1/30/09)

WAC 388-865-0526 Single bed certification. At the discretion of the mental health division, an exception may be

granted to allow treatment to an adult on a seventy-two hour detention or fourteen-day commitment in a facility that is not certified under WAC 388-865-0500; or for a maximum of thirty days to allow a community facility to provide treatment to an adult on a ninety- or one hundred eighty-day inpatient involuntary commitment order. For involuntarily detained or committed children, the exception may be granted to allow treatment in a facility not certified under WAC 388-865-0500 until the child's discharge from that setting to the community, or until they transfer to a bed in a children's long-term inpatient program (CLIP).

(1) The regional support network or its designee must submit a written request for a single bed certification to the mental health division prior to the commencement of the order. In the case of a child, the facility must submit the written request directly to the mental health division. If the DSHS secretary has assumed the duties assigned to a nonparticipating regional support network, a single bed certification may be requested by a mental health division designee contracted to provide inpatient authorization or designated crisis response services.

(2) The facility receiving the single bed certification must meet all requirements of this section unless specifically waived by the mental health division.

(3) The request for single bed certification must describe why the consumer meets at least one of the following criteria:

(a) The consumer requires services that are not available at a facility certified under this chapter or a state psychiatric hospital; or

(b) The consumer is expected to be ready for discharge from inpatient services within the next thirty days and being at a community facility would facilitate continuity of care, consistent with the consumer's individual treatment needs(-); or

(c) The consumer can receive appropriate evaluation and treatment in a residential treatment facility, as defined under chapter 246-337 WAC and the certification will be only to such a residential facility.

(4) The mental health division director or the director's designee makes the decision and gives written notification to the requesting entity in the form of a single bed certification. The single bed certification must not contradict a specific provision of federal law or state statute.

(5) The mental health division may make site visits at any time to verify that the terms of the single bed certification are being met. Failure to comply with any term of this exception may result in corrective action. If the mental health division determines that the violation places consumers in imminent jeopardy, immediate revocation of this exception can occur.

(6) Neither consumers nor facilities have fair hearing rights as defined under chapter 388-02 WAC regarding single bed certification decisions by mental health division staff.

WSR 14-17-015
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 14-202—Filed August 8, 2014, 4:46 p.m., effective August 11, 2014, 5:00 a.m.]

Effective Date of Rule: August 11, 2014, 5:00 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-50100Y; and amending WAC 220-47-501.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule provides for Pacific Salmon Commission authorized fisheries in Areas 7 and 7A targeting the United States share of Fraser River sockeye salmon. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 8, 2014.

Joe Stohr
for Philip Anderson
Director

NEW SECTION

WAC 220-47-50100Y Puget Sound all-citizen commercial salmon fishery—Open periods. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

(1) **Purse Seines** - Open to purse seine gear according to the times, dates, and conditions as prescribed and listed below:

Hours	Dates
5:00 AM - 9:00 PM	August 12

- (a) It is unlawful to retain Chinook, coho and chum.
 - (b) Purse seine are required to brail and fishers must also use a recovery box in compliance with WAC 220-47-301 (7)(a) through (f).
 - (c) All salmon and rockfish must be immediately sorted, and those required to be released must be placed in an operating recovery box or released into the water before the next brail may be brought on the deck. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.
 - (d) It is unlawful to fish for salmon with purse seine gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department issued certification card.
- (2) **Gill Nets** - Open to gill net gear with 5 inch minimum and 5 1/2 inch maximum mesh size according to the times, dates, and conditions as prescribed and listed here:

Hours	Dates
8:00 AM - 11:59 PM	August 12

- (a) It is unlawful to retain rockfish.
- (b) It is unlawful to fish for salmon with gill net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department issued certification card.
- (3) **Reef Nets** - Open to reef net gear according to the times, dates, and conditions as prescribed and listed here:

Hours	Dates
5:00 AM - 9:00 PM	August 11

- (a) It is unlawful to retain unmarked Chinook, unmarked coho, and chum.
- (b) It is unlawful to retain marked Chinook unless the reef net operator is in immediate possession of a Puget Sound Reef Net Logbook. All retained marked Chinook must be recorded in the log book in accordance with requirements of WAC 220-47-401.
- (c) It is unlawful to fish for salmon with reef net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in immediate possession of a department issued certification card.
- (4) **"Quick Reporting Fisheries":**
All fisheries opened under this section, and any fishery opening under authority of the Fraser Panel for sockeye in Puget Sound Salmon Management and Catch Reporting Areas (WAC 220-22-030), are designated as "Quick Reporting Required" per WAC 220-47-001.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 13, 2014:

WAC 220-47-50100Y Puget Sound all-citizen commercial salmon fishery—Open periods

**WSR 14-17-019
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 14-203—Filed August 11, 2014, 3:58 p.m., effective August 12, 2014, 11:59 p.m.]

Effective Date of Rule: August 12, 2014, 11:59 p.m.
Purpose: Amend commercial fishing rules.
Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100U; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The 2014 state/tribal shrimp harvest management plans for the Strait of Juan de Fuca and Puget Sound require adoption of harvest seasons contained in this emergency rule. This emergency rule implements a spot shrimp weekly limit of six hundred pounds in all areas. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 11, 2014.

Philip Anderson
Director

NEW SECTION

WAC 220-52-05100V Puget Sound shrimp pot and beam trawl fishery—Season. Notwithstanding the provisions of WAC 220-52-051, effective immediately until fur-

ther notice, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

- (1) Shrimp pot gear:
 - (a) All waters of Shrimp Management Areas 1A, 1C, 2W, 3, 4, 5 and 6 are open to the harvest of all shrimp species, except:
 - (i) All waters of the Discovery Bay Shrimp District are closed.
 - (ii) All waters of Shrimp Management Areas 2W, 4, 6 and Catch Areas 23A-E and 25A are closed to the harvest of spot shrimp.
 - (iii) All waters of Shrimp Management Areas 1A and 1C are closed to the harvest of all species other than spot shrimp.
 - (b) The spot shrimp catch accounting week is Wednesday through Tuesday.
 - (c) It is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week.
 - (d) It is unlawful to pull shellfish pots in more than one catch area per day.
 - (e) Only pots with a minimum mesh size of 1 inch may be pulled on calendar days when fishing for or retaining spot shrimp. Mesh size of 1 inch is defined as a mesh opening that a 7/8-inch square peg will pass through, excluding the entrance tunnels, except for flexible (web) mesh pots, where the mesh must be a minimum of 1 3/4-inch stretch measure. Stretch measure is defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh, when the mesh is stretched vertically.
- (2) Shrimp beam trawl gear:
 - (a) Shrimp Management Area (SMA) 3 (outside of the Discovery Bay Shrimp District, Sequim Bay and Catch Area 23D) is open. Sequim Bay includes those waters of Catch Area 25A south of a line projected west from Travis Spit on the Miller Peninsula.
 - (b) Those portions of Catch Areas 20B, 21A and 22A within SMA 1B are open.
 - (c) All waters of Catch Area 20A are open.
- (3) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. August 12, 2014:

WAC 220-52-05100U Puget Sound shrimp pot and beam trawl fishery—Season. (14-191)

**WSR 14-17-022
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 14-205—Filed August 12, 2014, 2:27 p.m., effective August 13, 2014, 5:00 a.m.]

Effective Date of Rule: August 13, 2014, 5:00 a.m.
Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-50100Z; and amending WAC 220-47-501.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule provides for Pacific Salmon Commission authorized fisheries in Areas 7 and 7A targeting the United States share of Fraser River sockeye salmon. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 12, 2014.

Joe Stohr
for Philip Anderson
Director

NEW SECTION

WAC 220-47-50100Z Puget Sound all-citizen commercial salmon fishery—Open periods. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

(1) **Purse Seines** – Open to purse seine gear according to the times, dates, and conditions as prescribed and listed below:

Hours	Dates
5:00 AM - 9:00 PM	August 14

- (a) It is unlawful to retain Chinook, coho and chum.
- (b) Purse seine are required to brail and fishers must also use a recovery box in compliance with WAC 220-47-301 (7)(a) through (f).

(c) All salmon and rockfish must be immediately sorted, and those required to be released must be placed in an operating recovery box or released into the water before the next haul may be brought on the deck. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.

(d) It is unlawful to fish for salmon with purse seine gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department issued certification card.

(2) **Gill Nets** – Open to gill net gear with 5 inch minimum and 5 1/2 inch maximum mesh size according to the times, dates, and conditions as prescribed and listed here:

Hours	Dates
8:00 AM - 11:59 PM	August 14

(a) It is unlawful to retain rockfish.

(b) It is unlawful to fish for salmon with gill net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department issued certification card.

(3) **Reef Nets** – Open to reef net gear according to the times, dates, and conditions as prescribed and listed here:

Hours	Dates
5:00 AM - 9:00 PM	August 13

(a) It is unlawful to retain unmarked Chinook, unmarked coho, and chum.

(b) It is unlawful to retain marked Chinook unless the reef net operator is in immediate possession of a Puget Sound Reef Net Logbook. All retained marked Chinook must be recorded in the log book in accordance with requirements of WAC 220-47-401.

(c) It is unlawful to fish for salmon with reef net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in immediate possession of a department issued certification card.

(4) **"Quick Reporting Fisheries"** - All fisheries opened under this section, and any fishery opening under authority of the Fraser Panel for sockeye in Puget Sound Salmon Management and Catch Reporting Areas (WAC 220-22-030), are designated as "Quick Reporting Required" per WAC 220-47-001.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 15, 2014:

WAC 220-47-50100Z Puget Sound all-citizen commercial salmon fishery—Open periods.

**WSR 14-17-023
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 14-201—Filed August 12, 2014, 2:30 p.m., effective August 18, 2014, 6:00 a.m.]

Effective Date of Rule: August 18, 2014, 6:00 a.m.

Purpose: The purpose of this rule making is to provide for treaty Indian fishing opportunity in the Columbia River while protecting salmon listed as threatened or endangered under the Endangered Species Act (ESA). This rule making implements federal court orders governing Washington's relationship with treaty Indian tribes and federal law governing Washington's relationship with Oregon.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100J; and amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.130, 77.12.045, and 77.12.047.

Other Authority: *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2008-2017 *United States v. Oregon* Management Agreement (Aug. 12, 2008) (Doc. No. 2546); *Northwest Gillnetters Ass'n v. Sandison*, 95 Wn.2d 638, 628 P.2d 800 (1981); Washington fish and wildlife commission policies concerning Columbia River fisheries; 40 Stat. 515 (Columbia River compact).

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Allows the sale of fish caught during the first five weeks of the 2014 treaty commercial gill-net fall season. Continues to allow the sale of platform and hook and line caught fish from mainstem tribal fisheries in Zone 6. Sales of fish landed in the area downstream of Bonneville Dam (consistent with tribal MOU/MOAs) may also occur if the area is lawfully open for sales under tribal regulations. Similarly, the sale of fish caught in Yakama Nation tributary fisheries are allowed when open under Yakama Nation regulations. Nearly 500,000 adult fall chinook are available to the treaty tribes for harvest based on the in-season forecast of 1,510,600 fish. Steelhead harvest is expected to remain within the guideline based on the preseason forecast of 31,000 Group B fish. The quick reporting rule continues to be modified to require quick reporting within twenty-four hours of completing the fish ticket, which is intended to allow harvest to be tracked as the season progresses. Fisheries are consistent with the 2008-2017 management agreement and the associated biological opinion. Rule is consistent with action of the Columbia River compact on August 7, 2014. Conforms state rules with tribal rules. There is insufficient time to adopt permanent rules.

The Yakama, Warm Springs, Umatilla, and Nez Perce Indian tribes have treaty fishing rights in the Columbia River and inherent sovereign authority to regulate their fisheries. Washington and Oregon also have some authority to regulate fishing by treaty Indians in the Columbia River, authority that the states exercise jointly under the congressionally ratified

Columbia River compact. *Sohappy v. Smith*, 302 F. Supp. 899 (D. Or. 1969). The tribes and the states adopt parallel rules for treaty Indian fisheries under the supervision of the federal courts. A court order sets the current parameters. *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2008-2017 *United States v. Oregon* Management Agreement (Aug. 12, 2008) (Doc. No. 2546). Some salmon and steelhead stocks in the Columbia River are listed as threatened or endangered under the federal ESA. On May 5, 2008, the National Marine Fisheries Service issued a biological opinion under 16 U.S.C. § 1536 that allow[s] for some incidental take of these species in the fisheries as described in the 2008-2017 *U.S. v. Oregon* Management Agreement. Columbia River fisheries are monitored very closely to ensure consistency with court orders and ESA guidelines. Because conditions change rapidly, the fisheries are managed almost exclusively by emergency rule. As required by court order, the Washington (WDFW) and Oregon (ODFW) departments of fish and wildlife convene public hearings and invite tribal participation when considering proposals for new emergency rules affecting treaty fishing rights. *Sohappy*, 302 F. Supp. at 912. WDFW and ODFW then adopt regulations reflecting agreements reached.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, Amended 0, Repealed 1; Federal Rules or Standards: New 1, Amended 0, Repealed 1; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 12, 2014.

Joe Stohr
for Philip Anderson
Director

NEW SECTION

WAC 220-32-05100K Columbia River salmon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052 and WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon, steelhead, sturgeon, shad, carp, catfish, walleye, bass, or yellow perch taken for commercial purposes in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, and 1H, and in the Wind River, Klickitat River, and Drano Lake and specific areas of SMCRA 1E. However, those individuals possessing treaty fishing rights under the Yakama, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, steelhead, sturgeon, shad, carp, catfish,

walleye, bass, or yellow perch under the following provisions:

(1) Open Area: SMCRA 1F, 1G, 1H (Zone 6):

(a) Season:

(i) Week 35- 6:00 AM Monday Aug. 18 to 6:00 PM Friday, Aug. 22, 2014.

(ii) Week 36- 6:00 AM Monday Aug. 25 to 6:00 PM Saturday, Aug 30, 2014.

(iii) Week 37- 6:00 AM Tuesday Sept. 2 to 6:00 PM Saturday, Sept. 6, 2014.

(iv) Week 38- 6:00 AM Monday Sept. 8 to 6:00 PM Saturday Sept. 13, 2014.

(v) Week 39- 6:00 AM Monday Sept 15 to 6:00 PM Friday Sept 19, 2014.

(b) Gear: Gillnets only; 8-inch minimum mesh restriction.

(c) Allowable Sales: Salmon, steelhead, shad, carp, catfish, walleye, bass, or yellow perch. Sturgeon between 38-54 inches in fork length in the Bonneville Pool and sturgeon between 43-54 inches in fork length in The Dalles and John Day pools may be retained for subsistence purposes only.

(d) Standard sanctuaries for this gear type are in effect.

(2) Open Area: SMCRA 1F, 1G, 1H (Zone 6):

(a) Season: Open immediately until further notice.

(b) Gear: Hoop nets, dip bag nets, and rod and reel with hook and line.

(c) Allowable Sales: Salmon, steelhead, shad, carp, catfish, walleye, bass, or yellow perch. Sturgeon between 38-54 inches in fork length in the Bonneville Pool and sturgeon between 43-54 inches in fork length in The Dalles and John Day pools may be retained for subsistence purposes only.

(d) All dam sanctuaries for these gear types are in effect.

(3) Open Area: SMCRA 1E. Each of the four Columbia River treaty tribes has an MOA or MOU with the Washington Department of Fish and Wildlife for tribal fisheries in the area just downstream of Bonneville Dam. Tribal fisheries in this area may only occur in accordance with the appropriate MOA or MOU specific to each tribe, and only within any specific regulations set by each tribe.

(a) Participants:

(i) Tribal members may participate under the conditions described in the 2007 Memorandum of Agreement (MOA) with the Yakama Nation (YN), in the 2010 Memorandum of Understanding (MOU) with the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), in the 2010 MOU with the Confederated Tribes of the Warm Spring Reservation (CTWS), and in the 2011 MOU with the Nez Perce Tribe.

(ii) Tribal members fishing below Bonneville Dam must carry an official tribal enrollment card.

(b) Season: Open immediately until further notice. Open only during those days and hours when open under lawfully enacted tribal subsistence fishery regulations for enrolled tribal members.

(c) Gear: Hoop nets, dip bag nets, and rod and reel with hook and line.

(d) Allowable Sales: Salmon, steelhead, shad, carp, catfish, walleye, bass, or yellow perch. Sturgeon retention is prohibited for any purpose. Sale of platform or hook-and-

line-caught fish is allowed. Sales may not occur on USACE property.

(4) Columbia River Tributaries upstream of Bonneville Dam:

(a) Season: Open immediately until further notice, and only during those days and hours when the tributaries listed in subsection (4) (b) of this section are open under lawfully enacted Yakama Nation tribal subsistence fishery regulations for enrolled Yakama Nation members.

(b) Area: Drano Lake, Wind River and Klickitat River.

(c) Gear: Hoop nets, dip bag nets, and rod and reel with hook-and-line only, except gill nets may be used in Drano Lake.

(d) Allowable Sales: Salmon, steelhead, shad, carp, catfish, walleye, bass, or yellow perch. Sturgeon between 43-54 inches fork length harvested in tributaries within The Dalles or John Day Pools and sturgeon between 38-54 inches fork length harvested in tributaries within Bonneville pool may not be sold but may be kept for subsistence purposes only.

(5) 24-hour quick reporting is required as provided in WAC 220-69-240, for Washington wholesale dealers for all areas, except that all landings from treaty fisheries described above must be reported within 24-hours of completing the fish ticket (not 24-hours after the period concludes).

(6) Sales of fish are allowed after an open period concludes, as long as the fish sold were landed during an open period.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 a.m. August 18, 2014:

WAC 220-32-05100J Columbia River salmon seasons above Bonneville Dam. (14-183)

WSR 14-17-027 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 14-206—Filed August 12, 2014, 4:45 p.m., effective August 14, 2014, 9:00 p.m.]

Effective Date of Rule: August 14, 2014, 9:00 p.m.

Purpose: The purpose of this rule making is to allow nontreaty commercial fishing opportunities in the Columbia River while protecting fish listed as threatened or endangered under the Endangered Species Act (ESA). This rule making implements federal court orders governing Washington's relationship with treaty Indian tribes, federal law governing Washington's relationship with Oregon, and Washington fish and wildlife commission policy guidance for Columbia River fisheries.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000Z; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.130, 77.12.045, and 77.12.047.

Other Authority: *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2008-2017 *United States v. Oregon* Management Agreement (Aug. 12, 2008) (Doc. No. 2546); *Northwest Gillnetters Ass'n v. Sandison*, 95 Wn.2d 638, 628 P.2d 800 (1981); Washington fish and wildlife commission policies concerning Columbia River fisheries; 40 Stat. 515 (Columbia River compact).

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Sets two additional fishing periods for the 2014 fall season for non-Indian commercial fisheries in the mainstem Columbia River. The preseason forecast for the Columbia River return of fall chinook exceeds 1.5 million fish. This record breaking forecast provides harvestable Chinook for commercial purposes. Harvest estimates for the seasons are well within ESA limits. The seasons are consistent with the *U.S. v. Oregon* 2008-2017 interim management agreement and the fall chinook allocation agreement developed through the North of Falcon process. The regulation is consistent with compact action of July 29 and August 12, 2014. There is insufficient time to adopt permanent rules.

Washington and Oregon jointly regulate Columbia River fisheries under the congressionally ratified Columbia River compact. Four Indian tribes have treaty fishing rights in the Columbia River. The treaties preempt state regulations that fail to allow the tribes an opportunity to take a fair share of the available fish, and the states must manage other fisheries accordingly. *Sohappy v. Smith*, 302 F. Supp. 899 (D. Or. 1969). A federal court order sets the current parameters for sharing between treaty Indians and others. *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2008-2017 *United States v. Oregon* Management Agreement (Aug. 12, 2008) (Doc. No. 2546).

Some Columbia River Basin salmon and steelhead stocks are listed as threatened or endangered under the federal ESA. On May 5, 2008, the National Marine Fisheries Service issued a biological opinion under 16 U.S.C. § 1536 that allows for some incidental take of these species in treaty and nontreaty Columbia River fisheries governed by the 2008-2017 *U.S. v. Oregon* Management Agreement. The Washington and Oregon fish and wildlife commissions have developed policies to guide the implementation of such biological opinions in the states' regulation of nontreaty fisheries.

Columbia River nontreaty fisheries are monitored very closely to ensure compliance with federal court orders, the ESA, and commission guidelines. Because conditions change rapidly, the fisheries are managed almost exclusively by emergency rule. Representatives from the Washington (WDFW) and Oregon (ODFW) departments of fish and wildlife convene public hearings and take public testimony when considering proposals for new emergency rules. WDFW and ODFW then adopt regulations reflecting agreements reached.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, Amended 0, Repealed 0; Federal Rules or Standards: New 1, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 12, 2014.

Joe Stohr
for Philip Anderson
Director

NEW SECTION

WAC 220-33-0100A Columbia River season below Bonneville. Notwithstanding the provisions of WAC 220-33-010 and WAC 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas (SMCRA) 1A, 1B, 1C, 1D, and 1E, except as provided in this section.

1) Mainstem Columbia River

a) SEASON:

(i) 9 PM Thursday August 14 to 6 AM Friday August 15, 2014;

(ii) 9 PM Sunday August 17 to 6 AM Monday August 18, 2014;

(iii) 9 PM Tuesday August 19 to 6 AM Wednesday August 20, 2014;

(iv) 9 PM Thursday August 21 to 6 AM Friday August 22, 2014;

(v) 9 PM Sunday August 24 to 6 AM Monday August 25, 2014;

(vi) 9 PM Tuesday August 26 to 6 AM Wednesday August 27, 2014.

b) AREA: SMCRA 1D, 1E. The deadline at the lower end of SMCRA 1D is defined as a straight line projected from the Warrior Rock Lighthouse on the Oregon shore easterly through the green navigation buoy #1 and continuing to the Washington shore.

c) GEAR: Drift gillnets only. 9-inch minimum mesh size.

d) SANCTUARIES: Washougal and Sandy Rivers.

e) ALLOWABLE POSSESSION: Chinook, coho, pink and sockeye salmon and shad.

2) Deep River Select Area.

a) SEASON: Open hours are 7 PM to 7 AM.

(i) Monday and Thursday nights during August 18-29, 2014.

(ii) Monday, Tuesday, Wednesday and Thursday nights during September 1-12, 2014.

(iii) Monday, Tuesday, Wednesday, Thursday and Friday nights during September 15-27, 2014.

(iv) Monday, Tuesday, Wednesday and Thursday nights during September 29 through October 17, 2014.

(v) Monday night October 20 and Thursday night October 23, 2014.

b) AREA: The Deep River Select Area. Concurrent-jurisdiction waters extend downstream of the Highway 4 Bridge.

c) GEAR: Gillnet. Monofilament gear is allowed. 9 3/4-inch maximum mesh size through September 12 and 6-inch maximum mesh thereafter. Net length: 100 fathoms maximum. No weight restriction on the lead line. Use of additional weights or anchors attached directly to the lead line is allowed. Nets may not be tied off to stationary structures. Nets may not fully cross the navigation channel. It is unlawful to operate in any river, stream or channel any gillnet gear longer than three-fourths the width of the river, stream, or channel. "River, stream, or channel width" is defined as bank-to-bank, where the water meets the banks, regardless of the time of tide or the water level.

This emergency provision supersedes the permanent rule and all other rules that conflict with it. All other provisions of the permanent rule remain in effect (WAC 220-20-015(1)).

Tongue Point/South Channel Select Area.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights from August 25 through October 31, 2014. Open 7 PM to 7 AM through September 12, and 4 PM to 10 AM thereafter.

b) AREA: Tongue Point and South Channel. All waters in this fishing area are concurrent-jurisdiction waters.

c) GEAR: Gillnet. 6-inch maximum mesh. Net length: 250 fathoms maximum.

Tongue Point fishing area: Weight not to exceed two pounds on any one fathom. Fishers participating in the Tongue Point fishery may have onboard un-stored gillnets legal for the South Channel fishing area.

South Channel area: No weight restriction on lead line. Use of additional weights and/or anchors attached directly to the lead line is allowed.

3) Blind Slough/Knappa Slough Select Area.

(a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights from August 25 through October 31. Open hours are 7 PM to 7 AM through September 12, and 6 PM to 8 AM thereafter.

(b) AREA: Blind Slough and Knappa Slough. An area closure of an approximately 100-foot radius at the mouth of Big Creek is in effect. Concurrent jurisdiction waters include all areas in Knappa Slough and downstream of the Railroad Bridge in Blind Slough.

(c) GEAR: Gillnet. Monofilament gear is allowed. 9 3/4-inch maximum mesh size. Maximum net length of 100 fathoms. No weight restriction on lead line. Use of additional weights and/or anchors attached directly to the lead line is allowed.

4) Additional requirements for all Select Area commercial fisheries:

(a) Nets not specifically authorized for use may be onboard the vessel if properly stored, consistent with WAC 220-33-001.

(b) ALLOWABLE POSSESSION: Chinook, coho, pink and sockeye salmon and shad.

5) Quick Reporting: 24-hour quick-reporting is required for Washington wholesale dealers, pursuant to WAC 220-69-240. Columbia River reports must be submitted within 24 hours of the closure of each fishing period. This quick-reporting requirement applies to all seasons in this section.

6) Miscellaneous: Nets fished any time between official sunset and official sunrise must have lighted buoys on both ends of the net. If the net is attached to the boat, then one lighted buoy on the end of the net opposite the boat is required.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 9:00 p.m. August 14, 2014:

WAC 220-33-01000Z Columbia River season below Bonneville. (14-192)

WSR 14-17-032

EMERGENCY RULES

HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed August 13, 2014, 10:26 a.m., effective August 13, 2014, 10:26 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: To bring the rule into compliance with federal law.

Citation of Existing Rules Affected by this Order: Amending WAC 182-512-0770.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Other Authority: Patient Protection and Affordable Care Act established under Public Law 111-148; and Code of Federal Regulations at 42 C.F.R. § 431, 435, and 457, and 45 C.F.R. § 155.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The rule regarding the treatment of excluded income and resources of American Indians and Alaska Natives is not compliant with federal law.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: August 13, 2014.

Kevin M. Sullivan
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-07-059, filed 3/14/14, effective 4/14/14)

WAC 182-512-0770 SSI-related medical—American Indian/Alaska Native excluded income and resources. (1)

The agency excludes the following types of income from being considered when determining eligibility for Washington apple health (WAH) categorically needy (CN) and medically needy (MN) SSI-related programs for American Indians/Alaska Natives:

(a) ~~((Distributions received by an individual Alaska Native or descendant of an Alaska Native from an Alaska Native Regional and Village Corporation pursuant to the Alaska Native Claims Settlement Act, P.L. 92-203 and 100-241, as follows:~~

~~(i) Cash, including cash dividends on stock received from a Native Corporation, to the extent that it does not, in the aggregate, exceed two thousand dollars per person each calendar year;~~

~~(ii) Stock, including stock issued or distributed by a Native Corporation as a dividend or distribution on stock;~~

~~(iii) A partnership interest;~~

~~(iv) Land or an interest in land, including land or an interest in land received from a Native Corporation as a dividend or distribution on stock; and~~

~~(v) An interest in a settlement trust.~~

~~(b) Income received from Indian trust funds or lands held in trust by the Secretary of the Interior for an Indian tribe or individual tribal member, P.L. 98-64, including any interest and investment income accrued while such funds are held in trust;~~

~~(c) Income received from Indian judgment funds held in trust by the Secretary of the Interior or distributed per capita under P.L. 93-134 as amended by P.L. 97-458, including any interest and investment income accrued while such funds are held in trust;~~

~~(d) Up to two thousand dollars per person per calendar year received from individual interests in trust or restricted lands under section 13736 of P.L. 103-66; and~~

~~(e) Income received by members of specific Indian tribes and groups that is excluded by federal law (as more fully listed in Appendix to Subpart K of Title 20, Part 416 of the Code of Federal Regulations) including, but not limited to, the following:~~

~~(i) Payments from an annuity fund established by the Puyallup Tribe of Indians Settlement Act of 1989, P.L. 101-41, made to a Puyallup tribe member upon reaching twenty-one years of age;~~

~~(ii) Payments from the trust fund established by P.L. 101-41 made to a Puyallup tribe member;~~

~~(iii) Payments under the White Earth Reservation Land Settlement Act of 1985, P.L. 99-264, Section 16;~~

~~(iv) Payments made from submarginal land held in trust for certain Indian tribes as designated by P.L. 94-114; and~~

~~(v) Payments under the Senecal Nation Settlement Act, P.L. 101-503.)~~ Distributions from Alaska Native corporations and settlement trusts;

(b) Distributions from any property held in trust, subject to federal restrictions, located within the most recent boundaries of a prior federal reservation, or otherwise under the supervision of the Secretary of the Interior;

(c) Distributions and payments from rents, leases, rights of way, royalties, usage rights, or natural resource extraction and harvest from:

(i) Rights of ownership or possession in any lands described in (c)(ii) of this subsection; or

(ii) Federally protected rights regarding off-reservation hunting, fishing, gathering, or usage of natural resources.

(d) Distributions resulting from real property ownership interests related to natural resources and improvements that are:

(i) Located on or near a reservation or within the most recent boundaries of a prior federal reservation; or

(ii) Resulting from the exercise of federally protected rights relating to such real property ownership interests.

(e) Payments resulting from ownership interests in or usage rights to items that have unique religious, spiritual, traditional, or cultural significance or rights that support subsistence or a traditional lifestyle according to applicable tribal law or custom;

(f) Student financial assistance provided under the Bureau of Indian Affairs education programs; and

(g) Any other applicable income exclusion as provided by federal law, regulation, or rule.

(2) The agency excludes the following types of resources from being considered when determining eligibility for WAH-CN and WAH-MN SSI-related programs for American Indians/Alaska Natives:

(a) Property, including real property and improvements, that is held in trust, subject to federal restrictions, or otherwise under the supervision of the Secretary of the Interior; located on a reservation, including any federally recognized Indian tribe's reservation, pueblo, or colony, including former reservations in Oklahoma, Alaska Native regions established by the Alaska Native Claims Settlement Act and Indian allotments on or near a reservation as designated and approved by the Bureau of Indian Affairs of the Department of the Interior;

(b) For any federally recognized tribe not described in (a) of this subsection, property located within the most recent boundaries of a prior federal reservation;

(c) Ownership interests in rents, leases, royalties, or usage rights related to natural resources (including extraction of natural resources or harvesting of timber, other plants and plant products, animals, fish and shellfish) resulting from the exercise of federally protected rights; and

(d) Ownership interests in or usage rights to items not covered in (a), (b), or (c) of this subsection that have unique

religious, spiritual, traditional, or cultural significance or rights that support subsistence or a traditional lifestyle according to applicable tribal law or custom.

(3) When determining eligibility for WAH-CN and WAH-MN SSI-related programs for American Indians/Alaska Natives, the agency counts ~~((of excluded))~~ or excludes amounts received by tribal members from exercise of gaming revenues (per capita distributions) that are retained after the month of receipt based on the type of resource in which the money is retained. If the amounts are retained in a countable resource (for example, cash, checking account, or savings account), the agency treats the amounts as a countable resource. If the amounts are converted to an excluded resource (for example, personal property like a refrigerator), the agency treats the amounts as excluded resources.

WSR 14-17-036

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 14-208—Filed August 13, 2014, 4:04 p.m., effective August 16, 2014]

Effective Date of Rule: August 16, 2014.

Purpose: Amend recreational fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-62100D and 232-28-62100E; and amending WAC 232-28-621.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The area south of a line from Foulweather Bluff to Olele Point is closed during the Area 9 mark-selective chinook fishery. The chinook mark-selective fishery ends on August 15. Surplus coho are available for harvest allowing these areas to open for additional angling opportunity. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 13, 2014.

Philip Anderson
Director

NEW SECTION

WAC 232-28-62100E Puget Sound salmon—Saltwater seasons and daily limits. Notwithstanding the provisions of WAC 232-28-621, effective August 16 through August 31, 2014, it is unlawful to violate the provisions below. Unless otherwise amended, all permanent rules remain in effect:

- (1) **Catch Record Card Area 5:** Daily limit may include an additional 2 sockeye.
- (2) **Catch Record Card Area 6:** Daily limit may include an additional 2 sockeye.
- (3) **Catch Record Card Area 7:** Daily limit may include an additional 2 sockeye.
- (4) **Catch Record Card Area 9:**
 - (a) Daily limit of 2 salmon. Release Chinook and chum.
 - (b) South of a line from Foulweather Bluff to Olele Point: Open. Daily limit 2 salmon. Release Chinook and chum.
- (5) **Catch Record Card Area 10:**
 - (a) Daily limit of 2 salmon. Release Chinook and chum.
 - (b) Waters of Sinclair Inlet and Port Orchard south of Manette Bridge in Bremerton, south of a line true west from Battle Point, and west of a line drawn true south from Point White: Daily limit 3 salmon. Release chum and wild Chinook.
- (6) **Catch Record Card Area 13:**
 - (a) The Fox Island Public Fishing Pier is open.
 - (b) Daily limit of 2 salmon, of which no more than one Chinook may be retained.
 - (c) It is permissible to retain wild coho.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-62100D Puget Sound salmon—Saltwater seasons and daily limits. (14-198)

The following section of the Washington Administrative Code is repealed effective September 1, 2014:

WAC 232-28-62100E Puget Sound salmon—Saltwater seasons and daily limits.

**WSR 14-17-047
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 14-207—Filed August 14, 2014, 3:44 p.m., effective August 14, 2014, 3:44 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Sets the season for the Columbia River seine emerging commercial fishery.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-88-05000A, 220-88-06000A, 220-88-07000A, and 220-88-08000A.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.130, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule establishes an emerging commercial fishery with limited participants using beach or purse seine gear in the Columbia River. This limited entry fishery is established consistent with RCW 77.70.160 and is implemented based on Policy C-3620 which includes guiding principles and a progressive series of actions to improve the management of salmon in the Columbia River Basin. The fisheries outlined here are part of a series of actions meant to be progressively implemented in 2013-2016 during the transitional period of the policy. This is a pilot fishery allowing seine gear in the Columbia River and is meant to inform fishery managers in how best to implement such fisheries. The seasons are consistent with the *U.S. v. Oregon* 2008-2017 interim management agreement, commission guidance and the fall chinook allocation agreement developed through the North of Falcon process. The regulation is consistent with compact action of August 12, 2014. There is insufficient time to adopt permanent rules.

Washington and Oregon jointly regulate Columbia River fisheries under the congressionally ratified Columbia River compact. Four Indian tribes have treaty fishing rights in the Columbia River. The treaties preempt state regulations that fail to allow the tribes an opportunity to take a fair share of the available fish, and the states must manage other fisheries accordingly. *Sohappy v. Smith*, 302 F. Supp. 899 (D. Or. 1969). A federal court order sets the current parameters for sharing between treaty Indians and others. *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2008-2017 *United States v. Oregon* Management Agreement (Aug. 12, 2008) (Doc. No. 2546).

Some Columbia River Basin salmon and steelhead stocks are listed as threatened or endangered under the federal Endangered Species Act (ESA). On May 5, 2008, the National Marine Fisheries Service issued a biological opinion under 16 U.S.C. § 1536 that allows for some incidental take of these species in treaty and nontreaty Columbia River fisheries governed by the 2008-2017 *U.S. v. Oregon* Management Agreement. The Washington and Oregon fish and wildlife commissions have developed policies to guide the implementation of such biological opinions in the states' regulation of nontreaty fisheries.

Columbia River nontreaty fisheries are monitored very closely to ensure compliance with federal court orders, the ESA, and commission guidelines. Because conditions change rapidly, the fisheries are managed almost exclusively by emergency rule. Representatives from the Washington (WDFW) and Oregon (ODFW) departments of fish and wild-

life convene public hearings and take public testimony when considering proposals for new emergency rules. WDFW and ODFW then adopt regulations reflecting agreements reached.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 4.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 14, 2014.

Philip Anderson
Director

NEW SECTION

WAC 220-88-07000B Columbia River seine emerging commercial fishery—Season, area, and gear requirements. It is unlawful to fish for salmon for commercial purposes with beach or purse seine gear except as provided in the following section:

(1) Designation of Columbia River seine fishery as an emerging commercial fishery.

(a) The director designates the Columbia River seine salmon fishery as an emerging commercial fishery for which use of a vessel is required. The director has determined a need to limit the number of participants in this fishery.

(b) It is unlawful to fish for, possess, or deliver salmon taken for commercial purposes using beach or purse seine unless the fisher possesses a valid emerging commercial fishery license and a salmon experimental fishery permit for either beach seine or purse seine gear.

(2) Terms of Experimental Fishery Permit

(a) A limited number of experimental fishery permits have been issued by the director for participation in the 2014 Columbia River seine emerging commercial fishery.

(b) It is unlawful to violate the conditions of these experimental fishery permits.

(c) Conditions of each permit include, but are not limited to:

(i) Specific gear type (beach or purse seine) allowed under the permit.

(ii) Specific area (SMCRA) in which seine fishing is allowed under the permit

(iii) Individual Fish Quotas (IFQs) specific for each permit based on gear type.

(3) Season: Time, area and gear

(a) Open hours are 6:00 a.m. to 7:30 p.m. through September 11; and 6:30 a.m. to 7:00 p.m. thereafter:

(b) Open days are:

(i) Tuesday August 19 and Thursday August 21, 2014

(ii) Tuesday August 26 and Thursday August 28, 2014

(iii) Tuesday, Wednesday, and Thursday, September 2, 3, 4, 2014

(iv) Monday, Tuesday, Wednesday, and Thursday, September 8, 9, 10, 11, 2014

(v) Monday September 15 and Wednesday September 17, 2014

(vi) Monday September 22 and Wednesday September 24, 2014

(vii) Monday September 29, 2014

(c) Open area: SMCRA 1A and 1B through August 28 and SMCRA 1A-1E thereafter

(d) Sanctuaries: Elochoman-A, Cowlitz, Kalama-A, Lewis A, Sandy, Washougal and Select Area commercial fishing sites.

(e) Gear type: Beach seines or purse seines only. Only one net per boat.

(i) Net length not to exceed 200 fathoms (including associated lead nets).

(ii) Net depth not to exceed 200 meshes (approximately 50 feet)

(iii) Mesh size restricted to a 3.5-inch maximum (inside of knot to outside of knot using hand tension stretched measure).

(iv) Net material to consist of 3-strand nylon; twine size \geq #12.

(v) Seines may include a bunt of 1.0-2.0 inch knotless mesh.

(vi) Seine and lead lines may not be connected. Lead nets must be retrieved daily.

(vii) No restrictions on corkline, leadline or use of stringers and slackers.

(viii) A chafing strip panel consisting of non-monofilament webbing (such as nylon seine web or polyethylene trawl web) is allowed on bottom of net; maximum panel depth is 5-feet. Chafing mesh not to exceed 3.5-inch stretched measure for beach and 5-inch stretched measure for purse. There are no restrictions associated with hangings used to connect the net to the chafing panel or the net or chafing panel to the leadline or corkline.

(ix) Red corks are required at 25-fathom intervals and red corks must be in contrast to the corks used in the remainder of the net.

(4) Allowable possession and handling of catch

(a) Allowable possession and sales: Adipose or left ventral fin-clipped Chinook, adipose-clipped coho, pink and sockeye salmon. Subject to IFQs as defined on individual permits and fishery regulations, all legally-caught salmon must be landed.

(b) Hand sorting or use of a knotless dip net for sorting is required. All fish must be sorted and/or released prior to removing entire seine from water. Dry sorting not permitted.

(c) Sort time not to exceed 75 minutes.

(i) Beach seine - defined as the elapsed time from when the outer towed end of the net first contacts the shore or block until the net is emptied of fish.

(ii) Purse Seine - defined as the elapsed time from when all rings are pursed and out of the water until the net is emptied of fish.

(5) **Observer Program** – Agency observers must be present during all fishing operations as described in each experimental permit issued.

(6) **24-hour quick-report** required pursuant to WAC 220-69-240.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 220-88-05000A Designation of Columbia River seine fishery as an emerging commercial fishery. (14-129)
- WAC 220-88-06000A Columbia River seine emerging commercial fishery—Qualifications—Issuance of experimental fishery permits—License fee—Permit conditions. (14-129)
- WAC 220-88-07000A Columbia River seine emerging commercial fishery—Season, area, and gear requirements. (14-129)
- WAC 220-88-08000A Columbia River seine emerging commercial fishery—Allowable possession and sales—Catch handling requirements. (14-129)

WSR 14-17-048
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 14-209—Filed August 14, 2014, 4:24 p.m., effective August 18, 2014]

Effective Date of Rule: August 18, 2014.

Purpose: Amend recreational fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-62000F and 232-28-62000G; and amending WAC 232-28-620.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Enough quota remains in Westport to allow the daily limit to include 2 chinook salmon beginning August 18. Expanding the daily limit in Marine Area 2 is consistent with the management plan while expanding recreational angling opportunity in the fishery. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 14, 2014.

Philip Anderson
Director

NEW SECTION

WAC 232-28-62000G Coastal salmon—Saltwater seasons and daily limits. Notwithstanding the provisions of WAC 232-28-620, effective August 18 through September 30, 2014, it is unlawful to violate the provisions below. Unless otherwise amended, all permanent rules remain in effect:

(1) **Catch Record Card Area 1:** Open until further notice: Daily limit of 2 salmon, of which not more than one may be a Chinook salmon, release wild coho.

(2) **Catch Record Card Area 2:** Open until further notice: Daily limit of 2 salmon, release wild coho.

(3) **Catch Record Card Area 3:** Open until further notice: daily limit of 2 salmon, release wild coho.

(4) **Catch Record Card Area 4:** Open until further notice: daily limit of 2 salmon, release wild coho. Waters east of a true north-south line through Sail Rock are closed through July 31. Waters south of a line from Kydaka Point to Shipwreck Point are closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 18, 2014:

WAC 232-28-62000F Coastal salmon—Saltwater seasons and daily limits. (14-181)

The following section of the Washington Administrative Code is repealed effective October 1, 2014:

WAC 232-28-62000G Coastal salmon—Saltwater seasons and daily limits.

WSR 14-17-065
EMERGENCY RULES
BUILDING CODE COUNCIL

[Filed August 15, 2014, 2:02 p.m., effective August 15, 2014, 2:02 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This change will redefine "portable school classrooms" and add a definition of "clusters" of such classrooms, and will modify the requirements for fire sprinklers in clusters of portable school classrooms below six thousand square feet for the purpose of improving fire safety and egress for school occupants. The rule is being filed to ensure consistent implementation between the state Building Code and the Fire Code.

Citation of Existing Rules Affected by this Order: Amending WAC 51-50-0200 and 51-50-0903.

Statutory Authority for Adoption: RCW 19.27.031, 19.27.074.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The current WAC language has become obsolete, and does not reflect the needs of school districts regarding fire safety in portable school classrooms. The existing rules negatively impact building plans for school districts throughout the state. This modification will provide immediate economic relief to school districts planning to add portable classrooms for the next school year, and will provide a safer environment for building occupants. This modification was made to the Fire Code as an emergency rule and has been filed for permanent rule making in the Fire Code; this filing will provide consistency between the Building Code and the fire codes; filing for a permanent rule will follow.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: March 7, 2014.

C. Ray Allshouse
Chair

AMENDATORY SECTION (Amending WSR 13-04-067, filed 2/1/13, effective 7/1/13)

WAC 51-50-0200 Chapter 2—Definitions.

SECTION 202—DEFINITIONS.

ADULT FAMILY HOME. A dwelling, licensed by Washington state, in which a person or persons provide personal care, special care, room and board to more than one but not more than

six adults who are not related by blood or marriage to the person or persons providing the services.

AIR-IMPERMEABLE INSULATION. An insulation having an air permeance equal to or less than 0.02 L/s-m² at 75 Pa pressure differential tested in accordance with ASTM E2178 or ASTM E283.

CHILD CARE. The care of children during any period of a 24-hour day.

CHILD CARE, FAMILY HOME. A child care facility, licensed by Washington state, located in the dwelling of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.

CLUSTER. Clusters are multiple portable school classrooms separated by less than the requirements of the building code for separate buildings.

HOSPICE CARE CENTER. A building or portion thereof used on a 24-hour basis for the provision of hospice services to terminally ill inpatients.

NIGHTCLUB. An A-2 Occupancy use under the 2006 International Building Code in which the aggregate area of concentrated use of unfixed chairs and standing space that is specifically designated and primarily used for dancing or viewing performers exceeds three hundred fifty square feet, excluding adjacent lobby areas. "Nightclub" does not include theaters with fixed seating, banquet halls, or lodge halls.

NONSTRUCTURAL CONCRETE. Any element made of plain or reinforced concrete that is not part of a structural system required to transfer either gravity or lateral loads to the ground.

PORTABLE SCHOOL CLASSROOM. A prefabricated structure(;) consisting of one or more rooms with direct exterior egress from the classroom(s). The structure is transportable in one or more sections(, which requires a chassis to be transported,) and is designed to be used as an educational space with or without a permanent foundation. The structure shall be (~~trailerable and~~) capable of being demounted and relocated to other locations as needs arise.

SMALL BUSINESS. Any business entity (including a sole proprietorship, corporation, partnership or other legal entity) which is owned and operated independently from all other businesses, which has the purpose of making a profit, and which has fifty or fewer employees.

AMENDATORY SECTION (Amending WSR 13-04-067, filed 2/1/13, effective 7/1/13)

WAC 51-50-0903 Section 903—Automatic sprinkler systems.

903.2.1.6 Nightclub. An automatic sprinkler system shall be provided throughout Group A-2 nightclubs as defined in this code.

903.2.3 Group E. An automatic sprinkler system shall be provided for Group E Occupancies.

- EXCEPTIONS:
1. Portable school classrooms with an occupant load of 50 or less calculated in accordance with Table 1004.1.2, provided that the aggregate area of any cluster (or portion of a cluster) of portable school classrooms does not exceed ((5,000)) 6,000 square feet ((1465 m²)) (557 m²); and clusters of portable school classrooms shall be separated as required by the building code((-)); or
 2. Portable school classrooms with an occupant load from 51 through 98, calculated in accordance with Table 1004.1.2, and provided with two means of direct independent exterior egress from each classroom in accordance with Chapter 10, and one exit from each classroom shall be accessible, provided that the aggregate area of any cluster of portable classrooms does not exceed 6,000 square feet (557 m²); and clusters of portable school classrooms shall be separated as required by the building code; or
 3. Group E occupancies with an occupant load of 50 or less, calculated in accordance with Table 1004.1.2.

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy, where one of the following conditions exists:

1. A Group M fire area exceeds 12,000 square feet (1115 m²).
2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).
4. Where a Group M occupancy that is used for the display and sale of upholstered furniture or mattresses exceeds 5000 square feet (464 m²).

903.2.8 Group R. An automatic fire sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

- EXCEPTION: Group R-1 if all of the following conditions apply:
1. The Group R fire area is no more than 500 square feet and is used for recreational use only.
 2. The Group R fire area is only one story.
 3. The Group R fire area does not include a basement.
 4. The Group R fire area is no closer than 30 feet from another structure.
 5. Cooking is not allowed within the Group R fire area.
 6. The Group R fire area has an occupant load of no more than 8.
 7. A hand held (portable) fire extinguisher is in every Group R fire area.

**WSR 14-17-066
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 14-210—Filed August 15, 2014, 3:45 p.m., effective August 18, 2014, 5:00 a.m.]

Effective Date of Rule: August 18, 2014, 5:00 a.m.
Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-50100A.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule provides for Pacific Salmon Commission authorized fisheries in Areas 7 and 7A targeting the United States share of Fraser River sockeye salmon. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 15, 2014.

Philip Anderson
Director

NEW SECTION

WAC 220-47-50100A Puget Sound all-citizen commercial salmon fishery—Open periods. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

(1) **Purse Seines** - Open to purse seine gear according to the times, dates, and conditions as prescribed and listed below:

Hours	Dates
5:00 AM - 9:00 PM	August 18

(a) It is unlawful to retain Chinook, coho and chum.

(b) Purse seine are required to brail and fishers must also use a recovery box in compliance with WAC 220-47-301 (7)(a) through (f).

(c) All salmon and rockfish must be immediately sorted, and those required to be released must be placed in an operating recovery box or released into the water before the next brail may be brought on the deck. However, small numbers of

fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.

(d) It is unlawful to fish for salmon with purse seine gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department issued certification card.

(2) **Gill Nets** - Open to gill net gear with 5 inch minimum and 5 1/2 inch maximum mesh size according to the times, dates, and conditions as prescribed and listed here:

Hours	Dates
8:00 AM - 11:59 PM	August 18

(a) It is unlawful to retain rockfish.

(b) It is unlawful to fish for salmon with gill net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department issued certification card.

(3) **Reef Nets** - Open to reef net gear according to the times, dates, and conditions as prescribed and listed here:

Hours	Dates
5:00 AM - 9:00 PM	August 18

(a) It is unlawful to retain unmarked Chinook, unmarked coho, and chum.

(b) It is unlawful to retain marked Chinook unless the reef net operator is in immediate possession of a Puget Sound Reef Net Logbook. All retained marked Chinook must be recorded in the log book in accordance with requirements of WAC 220-47-401.

(c) It is unlawful to fish for salmon with reef net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in immediate possession of a department issued certification card.

(4) **"Quick Reporting Fisheries"** All fisheries opened under this section, and any fishery opening under authority of the Fraser Panel for sockeye in Puget Sound Salmon Management and Catch Reporting Areas (WAC 220-22-030), are designated as "Quick Reporting Required" per WAC 220-47-001.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 19, 2014:

WAC 220-47-50100A Puget Sound all-citizen commercial salmon fishery—Open periods

**WSR 14-17-082
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 14-212—Filed August 18, 2014, 4:07 p.m., effective August 18, 2014, 4:07 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-41100A; and amending WAC 220-47-411.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable surplus of salmon is available in Puget Sound Salmon Management and Catch Reporting Area 9A for a commercial gillnet opening. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 18, 2014.

Nate Pamplin
for Philip Anderson
Director

NEW SECTION

WAC 220-47-41100A Gillnet—Open periods. Notwithstanding the provisions of WAC 220-47-411, effective immediately until further notice, it is permissible to take, fish for, or possess salmon taken with gillnet gear for commercial purposes from the following designated Puget Sound Salmon Management and Catch Reporting Areas during the times indicated below and with the minimum mesh size indicated below. Unless otherwise amended, all permanent rules remain in effect.

Open Areas	Open Periods	Mesh Size
9A	Immediately through 7 AM August 24	Minimum 5 inch

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:01 a.m. August 24, 2014:

WAC 220-47-41100A Gillnet—Open periods.

**WSR 14-17-112
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 14-216—Filed August 19, 2014, 4:17 p.m., effective August 20, 2014, 5:00 a.m.]

Effective Date of Rule: August 20, 2014, 5:00 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-47-50100B.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule provides for Pacific Salmon Commission authorized fisheries in Areas 7 and 7A targeting the United States share of Fraser River sockeye salmon. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 19, 2014.

Philip Anderson
Director

NEW SECTION

WAC 220-47-50100B Puget Sound all-citizen commercial salmon fishery—Open periods. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Areas 7 and 7A:

(1) **Purse Seines** - Open to purse seine gear according to the times, dates, and conditions as prescribed and listed below:

Hours	Dates
5:00 AM – 9:00 PM	August 21 and August 22

(a) It is unlawful to retain Chinook, coho and chum.

(b) Purse seine are required to brail and fishers must also use a recovery box in compliance with WAC 220-47-301 (7)(a) through (f).

(c) All salmon and rockfish must be immediately sorted, and those required to be released must be placed in an operating recovery box or released into the water before the next brail may be brought on the deck. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.

(d) It is unlawful to fish for salmon with purse seine gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department issued certification card.

(2) **Gill Nets** - Open to gill net gear with 5 inch minimum and 5 1/2 inch maximum mesh size according to the times, dates, and conditions as prescribed and listed below:

Hours	Dates
8:00 AM -11:59 PM	August 21 and August 22

(a) It is unlawful to retain rockfish.

(b) It is unlawful to fish for salmon with gill net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department issued certification card.

(3) **Reef Nets** - Open to reef net gear according to the times, dates, and conditions as prescribed and listed below:

Hours	Dates
5:00 AM – 9:00 PM	August 20, August 21, and August 22

(a) It is unlawful to retain unmarked Chinook, unmarked coho, and chum.

(b) It is unlawful to retain marked Chinook unless the reef net operator is in immediate possession of a Puget Sound Reef Net Logbook. All retained marked Chinook must be recorded in the log book in accordance with requirements of WAC 220-47-401.

(c) It is unlawful to fish for salmon with reef net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in immediate possession of a department issued certification card.

(4) **"Quick Reporting Fisheries"** All fisheries opened under this section, and any fishery opening under authority of the Fraser Panel for sockeye in Puget Sound Salmon Management and Catch Reporting Areas (WAC 220-22-030), are designated as "Quick Reporting Required" per WAC 220-47-001.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 23, 2014:

WAC 220-47-50100B Puget Sound all-citizen commercial salmon fishery—Open periods