

WSR 13-16-004
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Children's Administration)

[Filed July 25, 2013, 8:38 a.m., effective July 28, 2013]

Effective Date of Rule: July 28, 2013.

Purpose: The department is creating emergency WAC to support ESSSB [E2SSB] 5405 - Extended foster care services. ESSSB [E2SSB] 5405 authorizes children's administration to additionally provide extended foster care services to youth age eighteen up to twenty-one years who are eligible to receive foster care services authorized under RCW 74.13.-031 and participating in a program or activity designed to promote employment or remove barriers to employment secondary vocational program. Youth whose dependency has been dismissed may enter a voluntary placement agreement (VPA) one time. A youth must agree to the entry of a dependency order within one hundred eighty days of the date the youth was placed in foster care through the VPA to continue to receive services.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-25-0518, 388-25-0520, 388-25-0522, 388-25-0524, 388-25-0526 and 388-25-0538; and amending WAC 388-25-0110, 388-148-0010, 388-25-0502, 388-25-0504, 388-25-0506, 388-25-0508, 388-25-0510, 388-25-0516, 388-25-0528, 388-25-0530, 388-25-0532, 388-25-0534, 388-25-0536, 388-25-0540, 388-25-0544, 388-25-0546, and 388-25-0548.

Statutory Authority for Adoption: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030.

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; and 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: ESSSB [E2SSB] 5405 - Extended foster care services enables Washington state to access a federal match of funds under 2008 federal legislation "Fostering Connections to Success and Increasing Adoptions Act." The act provides an option permitting states to use Title IV-E foster care funds for youth who wish to pursue secondary or postsecondary education programs from age eighteen up to twenty-one years old. ESHB [E2SSB] 5405 authorizes continued extended foster care services for youth ages eighteen to twenty-one years to complete a postsecondary academic or postsecondary vocational education program and expands the services to eligible youth participating in an employment related program.

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 1, Amended 17, Repealed 6.

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 1, Amended 17, Repealed 6.

Date Adopted: July 25, 2013.

Katherine I. Vasquez
Rules Coordinator

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 13-17 issue of the Register.

WSR 13-16-009
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 13-158—Filed July 25, 2013, 11:44 a.m., effective July 27, 2013]

Effective Date of Rule: July 27, 2013.

Purpose: Amend recreational fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900I; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047 and 77.04.020.

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: Salmon Creek has been designated as a recovery stream for steelhead listed for protection under the federal Endangered Species Act. Sufficient water has been procured for Salmon Creek to attract spawning steelhead adults. However, nonnative species such as smallmouth bass and eastern brook trout, along with residual juvenile hatchery steelhead, have increased competition and predation and made recovery efforts more difficult. 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: July 25, 2013.

Philip Anderson
Director

NEW SECTION

WAC 232-28-61900I Exceptions to statewide rules—Salmon Creek (Okanogan Co.) Notwithstanding the provisions of WAC 232-28-619, effective July 27 through October 31, 2013, it is permissible to fish for smallmouth bass, Eastern brook trout, and adipose-clipped rainbow trout in waters of Salmon Creek from the Okanogan Irrigation District diversion (7.2 km upstream of the mouth) to Conconully Reservoir Dam. No minimum size; daily limit 10 fish of each species. Selective gear rules in effect.

REPEALER

The following section of the Washington Administrative Code is repealed effective November 1, 2013:

WAC 232-28-61900I Exceptions to statewide rules—
Salmon Creek (Okanogan Co.)

**WSR 13-16-012
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 13-159—Filed July 25, 2013, 2:41 p.m., effective July 25, 2013, 2:41 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100D; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.04.020, 77.05.055, 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 2013 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 (1) closes Catch Area 23A-E to spot shrimp fishing, as the quota has been reached; and (2) lowers the spot shrimp biweekly management limit in Catch Area 25A. 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: July 25, 2013.

Lisa M. Veneroso
for Philip Anderson
Director

NEW SECTION

WAC 220-52-05100E Puget Sound shrimp pot and beam trawl fishery—Season. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further 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, 3, 4, and 6 are open to the harvest of all shrimp species, effective immediately, until further notice, except as provided for in this section:

i) All waters of the Discovery Bay Shrimp District are closed;

ii) All waters of Shrimp Management Areas 4 and 6 and Marine Fish/Shellfish Management and Catch Reporting Area (Catch Area) 23A-E are closed to the harvest of spot shrimp; and

iii) All waters of Shrimp Management Areas 1A and 1C are closed to the harvest of all shrimp species other than spot shrimp.

(b) The spot shrimp catch accounting biweekly management periods are as follows:

i) Immediately through July 30, July 31-August 13, and August 14-27, 2013.

(c) Effective immediately until further notice, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 1,200 pounds per biweekly management period, with the following exceptions:

i) 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 biweekly management period in Shrimp Management Areas 1A and 1C, or to exceed 600 pounds per biweekly management period in Catch Area 23B, or to exceed 900 pounds per biweekly management period in Catch Area 25A until 12:01 a.m. July 31, 2013, when it is unlawful to exceed 300 pounds per biweekly management period.

(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.

i) 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.

ii) 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) The following areas are open to Shrimp beam trawl gear, effective immediately, until further notice.

(a) Shrimp Management Area (SMA) 3 (outside of the Discovery Bay Shrimp District, Sequim Bay and Catch Area 23D) 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.

(3) It is unlawful to sell shrimp taken under this section to any person who is not a licensed Washington wholesale fish dealers.

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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100D Puget Sound shrimp beam trawl fishery—Season. (13-155)

WSR 13-16-013
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 13-160—Filed July 25, 2013, 3:22 p.m., effective July 25, 2013, 3:22 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900J; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047 and 77.04.020.

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 salmon are available allowing the Puyallup River to open for recreational angling opportunity. Conservation objectives are met based

upon the Endangered Species Act guidelines. 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: July 25, 2013.

Lisa M. Veneroso
for Philip Anderson
Director

NEW SECTION

WAC 232-28-61900J Exceptions to statewide rules—Puyallup River. Notwithstanding the provisions of WAC 232-28-619, effective immediately until further notice, it is unlawful to violate the provisions below. Unless otherwise amended, all permanent rules remain in effect:

(1) Puyallup River (Pierce County):

(a) 11th Street Bridge to city of Puyallup outfall structure near junction of Freeman Road and North Levee Road: Trout minimum length 14 inches. Night closure, anti-snagging rule, and barbless hooks required from August 16 until further notice. Salmon and gamefish open August 16 until further notice, except closed on September 1, 2, 8, 9, 10, 15, 16, 17, 22, 23, 24, 25, 29, and 30. Salmon daily limit of 6 fish. No more than 4 may be adults, of which only 2 may be any combination of Chinook, coho, and chum. Release wild adult Chinook.

(b) From city of Puyallup outfall structure near junction of Freeman Road and North Levee Road to mouth of the White River: Trout minimum length 14 inches. Night closure, anti-snagging rule, and barbless hooks required from August 1 until further notice. Salmon and gamefish open August 1 until further notice, except closed on August 11 and September 1, 2, 8, 9, 10, 15, 16, 17, 22, 23, 24, 25, 29, and 30. Salmon daily limit of 6 fish. No more than 4 may be adults, of which only 2 may be any combination of Chinook, coho, and chum. Release wild adult Chinook.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. September 30, 2013:

WAC 232-28-61900J Exceptions to statewide rules—Puyallup River.

WSR 13-16-014
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 13-164—Filed July 25, 2013, 3:35 p.m., effective July 25, 2013, 3:35 p.m.]

Effective Date of Rule: Later [immediately].

Purpose: Amend commercial fishing rules.

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

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

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. Chinook catch rates have been lower than expected in the southern areas and higher than expected in the northern areas. A decrease in the chinook open period limit in the northern areas is needed to ensure the coastal salmon troll fishery meets the season objectives. These rules are adopted at the recommendation of the Pacific Fisheries Management Council, in accordance with pre-season fishing plans and the National Marine Fisheries Service from an in-season call. 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: July 25, 2013.

Lisa M. Veneroso
for Philip Anderson
Director

NEW SECTION

WAC 220-24-04000V 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:

July 26 through July 30, 2013;

August 2 through August 6, 2013;

August 9 through August 13, 2013;

August 16 through August 20, 2013;

August 23 through August 27, 2013;

August 30 through September 3, 2013;

September 6 through September 10, 2013; and

September 13 through September 17, 2013.

(2) Landing and possession limit of 100 Chinook and 40 coho per boat per each entire open period for the entire Catch Areas 1 and 2. Landing and possession limit of 40 Chinook and 40 coho per boat per each entire open period for the entire Catch Areas 3 and 4. Under no circumstance can a boat land more than a total of 100 Chinook or 40 coho in any open period.

(3) The Cape Flattery and Columbia River Control Zones are closed. 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 with fish on board from either Area 3 or 4 may not possess more than 50 Chinook 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 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 220-24-04000U All-citizen commercial salmon troll.
(13-150)

WSR 13-16-015
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 13-161—Filed July 25, 2013, 3:52 p.m., effective July 25, 2013, 3:52 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900M; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047 and 77.04.020.

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 salmon are available allowing the Skokomish River to open for recreational 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 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: July 25, 2013.

Lisa M. Veneroso
for Philip Anderson
Director

NEW SECTION

WAC 232-28-61900M Exceptions to statewide rules—Skokomish River. Notwithstanding the provisions of WAC 232-28-619, effective immediately until further notice, it is unlawful to violate the provisions below. Unless otherwise amended, all permanent rules remain in effect:

(1) Skokomish River (Mason County):

(a) Mouth to Highway 106 Bridge: Night closure, anti-snagging rule, and single point barbless hooks required from August 1 until further notice. Open effective October 1 until further notice; release all gamefish. Salmon: Open August 3 through August 25, and September 15 until further notice. August 3 through August 25: Daily limit 2 salmon. Release chum and wild Chinook. Anglers must keep the first 2 salmon, if legal to do so and stop fishing for the day. September 15 through October 15: Daily limit 6 salmon. Up to 4 adults may be retained. Release chum and Chinook. October 16 until further notice: Daily limit 6 salmon. Up to 4 adults may be retained. Release Chinook.

(b) From Highway 106 Bridge to Highway 101 Bridge: Night closure, anti-snagging rule, and single point barbless hooks required from August 3 until further notice. Open effective October 1 until further notice; release all gamefish.

Salmon: Open August 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, and 25, September 15, 20, 21, 22, 27, 28, and 29; and October 1 until further notice. August 3 through August 25: Daily limit 2 salmon. Release chum and wild Chinook. Anglers must keep the first 2 salmon, if legal to do so and stop fishing for the day. September 15 through October 15: Daily limit 6 salmon. Up to 4 adults may be retained. Release chum and Chinook. October 16 until further notice: Daily limit 6 salmon. Up to 4 adults may be retained. Release Chinook.

(c) From Highway 101 Bridge to Bonneville power lines (47°18.18'N, 123°11.26'W): Open effective immediately until further notice: selective gear rules apply and release all gamefish. Unlawful to fish from a floating device equipped with an internal combustion motor.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. October 31, 2013:

WAC 232-28-61900M Exceptions to statewide rules—
Skokomish River.

WSR 13-16-016
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 13-163—Filed July 25, 2013, 4:03 p.m., effective July 25, 2013, 4:03 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900N; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.04.020, 77.04.055, 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: Net pen reared triploid rainbow trout raised at upstream facilities on Rufus Woods Reservoir have escaped downstream into the Wells Pool area below Chief Joseph Dam. Removal of these fish is necessary to help reduce the incidence of competition and/or predation with juvenile Endangered Species Act listed anadromous species downstream. 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: July 25, 2013.

Lisa M. Veneroso
for Philip Anderson
Director

NEW SECTION

WAC 232-28-61900N Exceptions to statewide rules—Columbia River. Notwithstanding the provisions of WAC 232-28-619, effective immediately through August 15, 2013, in waters of the Columbia River from Highway 173 Bridge in Brewster to Chief Joseph Dam: daily limit 10 trout, minimum size 12 inches in length. Barbless hooks are required.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 16, 2013:

WAC 232-28-61900N Exceptions to statewide rules—
Columbia River.

WSR 13-16-017
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 13-165—Filed July 25, 2013, 5:00 p.m., effective July 25, 2013, 5:00 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900M and 232-28-61900P; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047 and 77.04.020.

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 salmon are available allowing the Skokomish River to open for recreational 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: July 25, 2013.

Lisa M. Veneroso
for Philip Anderson
Director

NEW SECTION

WAC 232-28-61900P Exceptions to statewide rules—Skokomish River. Notwithstanding the provisions of WAC 232-28-619, effective immediately until further notice, it is unlawful to violate the provisions below. Unless otherwise amended, all permanent rules remain in effect:

(1) Skokomish River (Mason County):

(a) Mouth to Highway 106 Bridge: Night closure, anti-snagging rule, and single point barbless hooks required from August 1 until further notice. Open effective October 1 until further notice; release all gamefish. Salmon: Open August 3 through August 25, and September 15 until further notice. August 3 through August 25: Daily limit 2 salmon. Release chum and wild Chinook. Anglers must keep the first 2 salmon, if legal to do so and stop fishing for the day. September 15 through October 15: Daily limit 6 salmon. Up to 4 adults may be retained. Release chum and Chinook. October 16 until further notice: Daily limit 6 salmon. Up to 4 adults may be retained. Release Chinook.

(b) From Highway 106 Bridge to Highway 101 Bridge: Night closure, anti-snagging rule, and single point barbless hooks required from August 3 until further notice. Open effective October 1 until further notice; release all gamefish. Salmon: Open August 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, and 25, September 15, 19, 20, 21, 22, 26, 27, 28, 29 and 30; and October 1 until further notice. August 3 through August 25: Daily limit 2 salmon. Release chum and wild Chinook. Anglers must keep the first 2 salmon, if legal to do so and stop fishing for the day. September 15 through October 15: Daily limit 6 salmon. Up to 4 adults may be retained. Release chum and Chinook. October 16 until further notice: Daily limit 6 salmon. Up to 4 adults may be retained. Release Chinook.

(c) From Highway 101 Bridge to Bonneville power lines (47°18.18'N, 123°11.26'W): Open effective immediately until further notice: selective gear rules apply and release all gamefish. Unlawful to fish from a floating device equipped with an internal combustion motor.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900M Exceptions to statewide rules—Skokomish River. (13-161)

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. October 31, 2013:

WAC 232-28-61900P Exceptions to statewide rules—Skokomish River.

**WSR 13-16-020
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 13-167—Filed July 26, 2013, 1:32 p.m., effective July 26, 2013, 1:32 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-07100Z; and amending WAC 220-52-071.

Statutory Authority for Adoption: RCW 77.12.047 and 77.04.020.

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 amounts of sea cucumbers are available in sea cucumber districts listed. Harvest landings limits for sea cucumbers have been requested by the industry in an effort to conserve harvest quota and maximize market opportunities. 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: July 26, 2013.

Lori Preuss
for Philip Anderson
Director

NEW SECTION

WAC 220-52-07100A Sea cucumbers Notwithstanding the provisions of WAC 220-52-071, effective immediately until further notice, it is unlawful to take or possess sea cucumbers taken for commercial purposes except as provided for in this section:

(1) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber Districts 1 and 2 on Monday, Tuesday and Wednesday of each week.

(2) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 3 on Monday, July 29, only.

(3) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 5 on Monday through Friday of each week.

(4) The maximum cumulative landing of sea cucumbers for each weekly fishery opening period is 1,800 pounds per valid designated sea cucumber harvest license. It is permissible for all or any fraction of the maximum 1,800 pound total to be harvested during any legal harvest date within any legal harvest area so long as the cumulative total for the fishery week does not exceed the maximum.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-07100Z Sea cucumbers. (13-157)

WSR 13-16-023
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 13-162—Filed July 26, 2013, 3:59 p.m., effective July 26, 2013, 3:59 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational fishing rules.

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

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

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 the encounters of legal size chinook in Area 9 will exceed preseason expectations prior [to] the end of the season. This regulation reduces the retention of salmon in Area 9 to a daily limit of one hatchery chinook in order to minimize encounters of legal-size hatchery and wild chinook and ensure compliance with conservation objectives and agreed-to management plans. The department is in the process of

adopting permanent rules that are necessary to implement the personal-use fishing plans agreed-to with resource comanagers at the North of Falcon proceedings. These emergency rules are necessary to comply with agreed-to management plans, and are interim until permanent rules take effect.

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: July 26, 2013.

Lori Preuss
for Philip Anderson
Director

NEW SECTION

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

(2) **Catch Record Card Area 7:** Waters east of a line from Gooseberry Point to Sandy Point: Closed September 3 until further notice.

(2) **Catch Record Card Area 8-2:** Effective immediately through July 31: Closed, except waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point are open only from Friday through 11:59 a.m. the following Monday of each week, effective immediately through September 2 and Saturday through Sunday from September 7 through September 22: Daily limit 2, plus 2 additional pink salmon. Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing. Same rules as remainder of Area 8-2 apply from September 23 through September 30.

(3) **Catch Record Card Area 9:** From July 29 until further notice: All waters in Area 9, excluding Edmonds Fishing Pier and south of a line from Foulweather Bluff to Olele Point: No more than 1 Chinook may be retained. Release wild Chinook.

(4) **Catch Record Card Area 9:** Effective immediately through August 31: Closed south of a line from Foulweather Bluff to Olele Point, except it is permissible to fish from shore between the southern and the northern boundaries of Salisbury Point Park.

(5) **Catch Record Card Area 10:** Effective immediately until further notice, waters of Elliott Bay east of a line

from West Point to Alki Point: Closed, except waters north of a line from Jack Block Park through the north end of Harbor Island to shore northeast of the North Waterway (47°35.47'N, 122°20.58'W) open August 16 through August 31, Friday through Sunday only of each week: Daily limit 2 salmon, plus 2 additional pink salmon. Release Chinook and chum. Bait prohibited. Hooks must measure 1/2" or less from point to shank.

(6) **Catch Record Card Area 10:** Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge in Bremerton, south of a line true west from Battle Point, and west of a line drawn true south from Point White: Effective immediately until further notice, daily limit of 3 salmon plus 1 additional pink salmon. Release wild Chinook. Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.

(7) **Catch Record Card Area 12:** Waters north of a line true east from Broad Spit: Open August 16 through September 15; daily limit 4 coho salmon only.

(8) **Catch Record Card Area 13:** Immediately until further notice: Daily limit of 2 salmon plus 2 additional pink salmon. Release wild coho and wild Chinook.

(9) **Catch Record Card Area 13:** Fox Island Public Fishing Pier, effective immediately until further notice: 2 additional pink salmon may be retained as part of the daily limit.

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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-62100U Puget Sound salmon—Saltwater seasons and daily limits. (13-74)

WSR 13-16-024
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 13-166—Filed July 26, 2013, 4:07 p.m., effective July 26, 2013, 4:07 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900U; and amending WAC 232-28-619.

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

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: Extends the ongoing white sturgeon retention season in The Dalles Pool beyond the scheduled July 31 closure date. Harvestable fish remain within the recreational guideline for The Dalles Pool. The regulation is consistent with Washington state action of July 25, 2013. 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: July 26, 2013.

Lori Preuss
for Philip Anderson
Director

NEW SECTION

WAC 232-28-61900Q Exceptions to statewide rules—Columbia River sturgeon. Notwithstanding the provisions of WAC 232-28-619:

(1) Effective immediately through August 31, it is unlawful to fish for sturgeon from Bonneville Dam downstream 9 miles to a line crossing the Columbia River from navigation marker 82 on the Oregon shore, westerly to the boundary marker on the Washington shore upstream of Fir Point.

(2) Effective immediately until further notice, it is unlawful to retain white sturgeon caught in those waters of the Columbia River from the mouth upstream to The Dalles Dam and in all adjacent Washington tributaries.

(3) Effective August 1, 2013 until further notice:

a. It is permissible to retain legal-size white sturgeon caught in those waters of the Columbia River and tributaries from The Dalles Dam upstream to John Day Dam.

b. Daily possession limit: one white sturgeon.

c. Allowable size limit: 43-54 inches in fork length.

(4) Effective immediately until further notice, it is unlawful to retain white sturgeon caught in those waters of the Columbia River from John Day Dam upstream to McNary Dam and in all adjacent Washington tributaries.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900U Exceptions to statewide rules—
Columbia River sturgeon. (13-135)

WSR 13-16-025
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 13-168—Filed July 26, 2013, 4:26 p.m., effective July 26, 2013, 4:26 p.m.]

Effective Date of Rule: Immediately upon filing.

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: Amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 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 the first series of fishing periods for the 2013 fall season for non-Indian commercial fisheries in the mainstem Columbia River and select area sites. The seasons are consistent with the 2008-2017 interim management agreement. Salmon and sturgeon are available for harvest during fall season fisheries. The regulation is consistent with compact action of July 25, 2013. There is insufficient time to promulgate 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 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 26, 2013.

Lori Preuss
for Philip Anderson
Director

NEW SECTION

WAC 220-33-01000E 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 the following subsections.

1. Mainstem Columbia River

a. SEASON: From August 11-23, 2013, open during specific dates and times:

9 PM Sunday August 11 to 6 AM Monday August 12.

9 PM Tuesday August 13 to 6 AM Wednesday August 14.

9 PM Thursday August 15 to 6 AM Friday August 16.

9 PM Sunday August 18 to 6 AM Monday August 19.

9 PM Tuesday August 20 to 6 AM Wednesday August 21.

9 PM Thursday August 22 to 6 AM Friday August 23.

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: Salmon and white sturgeon. A maximum of four white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday). The Sturgeon landing limit is specific to the mainstem only.

f. Effective August 1-31, 2013: Sturgeon possession is prohibited while fishing gear is deployed in the portion of Commercial Zone 5 (SMCRA 1E) that is upstream of Skamania Island (Navigation Marker 82 on the Oregon shore, westerly to the boundary marker on the Washington shore upstream of Fir Point). Only vessels in transit through the area may have sturgeon onboard.

2. Blind Slough/Knappa Slough Select Area.

a. SEASON: Monday, Tuesday, Wednesday, and Thursday nights from August 26 through October 31. Open hours are 7 PM to 7 AM through September 13, 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.

3. Tongue Point/South Channel Select Area.

a. SEASON: Monday, Tuesday, Wednesday, and Thursday nights from August 26 through October 31, 2013. Open 7 PM to 7 AM through September 13, 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. Maximum length of 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.

4. Deep River Select Area.

a. SEASON: Monday and Thursday nights, August 26 and August 29, 2013.

Monday, Tuesday, Wednesday and Thursday nights from September 2-13.

Sunday, Monday, Tuesday, Wednesday and Thursday nights from September 15-27.

Monday, Tuesday, Wednesday and Thursday nights from September 30- October 11.

Monday and Thursday nights, October 14 and October 17, 2013.

Open hours are 7 PM to 7 AM

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 13, 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 shall supersede the permanent regulation and all other regulations that conflict with it. All other provisions of the permanent regulation remain in effect (WAC 220-20-015(1)).

5. Additional regulations 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: Salmon and white sturgeon. A maximum of two white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday). Sturgeon landing limit specific to Select Areas only.

6. Quick Reporting: 24-hour quick-reporting required for Washington wholesale dealers, pursuant to WAC 220-69-240. When quick-reporting is required, Columbia River reports must be submitted within 24 hours of the closure of each fishing period. This quick-reporting requirement applies to all seasons described above (Columbia River and Select Areas).

7. 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.

WSR 13-16-028

EMERGENCY RULES

DEPARTMENT OF HEALTH

[Filed July 29, 2013, 10:04 a.m., effective July 29, 2013, 10:04 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this rule making is to amend WAC 246-10-701 to specify that if no request for administrative review of an initial order is received within twenty-one days, the initial order becomes final.

Citation of Existing Rules Affected by this Order: Amending WAC 246-10-701.

Statutory Authority for Adoption: Chapter 109, Laws of 2013.

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: An additional administrative review of an initial order in an adjudicative proceeding absent a specific request for review by either party or the secretary could cause undue delay in the effectiveness of orders that a health law judge has issued to preserve the public health and safety. So therefore, the immediate adoption of this rule is in the public interest.

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 1, 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: July 29, 2013.

Jessica Todorovich
for John Wiesman, DrPH, MPH
Secretary

AMENDATORY SECTION (Amending WSR 97-12-089, filed 6/4/97, effective 7/5/97)

WAC 246-10-701 Appeal from initial order and initial order becoming a final order. (1) Any party may file a written petition for administrative review of an initial order issued under WAC 246-10-503 or 246-10-608 stating the specific grounds upon which exception is taken and the relief requested.

(2) The secretary, upon his or her own motion, may petition for administrative review of an initial order.

(3) Petitions for administrative review must be served upon the opposing party and filed with the adjudicative clerk office within twenty-one days of service of the initial order.

~~((3))~~ (4) The opposing party may file a response to a petition for administrative review filed as provided in this section. The response shall be filed at the adjudicative clerk office. The party filing the response shall serve a copy of the response upon the party requesting administrative review. If the initial order was entered pursuant to WAC 246-10-503, the response shall be filed within ten days of service of the petition. In all other matters, the response shall be filed within twenty days of service of the petition.

(5) If a party or the secretary does not request administrative review of the initial order as described above, the initial order becomes a final order at 5:00 p.m. on the twenty-first calendar day after the adjudicative clerk office serves the initial order.

WSR 13-16-039
EMERGENCY RULES
DEPARTMENT OF
EARLY LEARNING

[Filed July 30, 2013, 12:02 p.m., effective July 30, 2013, 12:02 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The department is amending sections in the department of early learning (DEL) child care licensing WAC chapters to update the provision for safe food handling. The department of health (DOH) has recently updated their food handlers guide, and DEL needs to reflect the updated requirements. This filing includes chapter 170-297 WAC, Licensed school-age child care standards and chapter 170-295 WAC, Child care centers.

Citation of Existing Rules Affected by this Order: Amending WAC 170-295-3190 and 170-297-7680.

Statutory Authority for Adoption: Chapter 43.215 RCW.

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: DOH has amended its food handler's guide, and DEL needs to reflect the new requirements for the health and safety of children in licensed child care.

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 2, 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 2, Repealed 0.

Date Adopted: July 30, 2013.

Elizabeth M. Hyde
Director

AMENDATORY SECTION (Amending WSR 08-08-012, filed 3/19/08, effective 4/19/08)

WAC 170-295-3190 How can I be sure that the food I serve is safe? ~~((1)) You need to develop and implement a system to monitor the temperature of potentially hazardous foods during cooking, reheating, cooling, storing, and hot and cold holding temperatures to be sure that:~~

~~(a) Food will be cooked to at least the minimum correct internal temperature:~~

~~(i) Ground beef and pork sausage 155 degrees Fahrenheit;~~

- (ii) Pork 150 degrees Fahrenheit;
- (iii) Fish and seafood 140 degrees Fahrenheit;
- (iv) Poultry and stuffing 165 degrees Fahrenheit;
- (v) Eggs 140 degrees Fahrenheit;
- (vi) Beef (not ground) and lamb 140 degrees Fahrenheit.

(b) Previously prepared food is reheated one time only to an internal temperature of 165 degrees Fahrenheit within sixty minutes;

(c) Hot food is kept at a temperature of 140 degrees Fahrenheit or above until served;

(d) Cold food is kept at a temperature of 45 degrees Fahrenheit or less;

(e) Refrigerators have a thermometer in or near the door and are kept at 45 degrees Fahrenheit or less; and

(f) Freezers have a thermometer in or near the door and are kept at 10 degrees Fahrenheit or less.) (1) Program staff must follow the safe preparation, cooking, and serving guidelines in the current edition of the food workers manual prepared by the state department of health.

(2) You must develop a system to record the temperature of each perishable food once it arrives from a satellite kitchen or a catering service. The system must include keeping records on site for six months with the following information:

- (a) The name and the temperature of the food;
- (b) The date and time the temperature was checked; and
- (c) The name and signature or recognized initials of the person who is checking and recording the food temperatures.

(3) You may serve previously prepared food that has not been previously served if it was stored at the proper temperature for less than forty-eight hours after preparation. Leftover foods or open foods in the refrigerator must be labeled with the date that they were opened or cooked.

AMENDATORY SECTION (Amending WSR 12-23-057, filed 11/19/12, effective 12/20/12)

WAC 170-297-7680 Safe food handling. (1) Program staff must follow the safe preparation, cooking, and serving guidelines in the current edition of the food workers manual prepared by the state department of health.

~~((a) Food must be served at temperatures of not less than one hundred thirty-five degrees Fahrenheit for hot foods and not more than forty-one degrees Fahrenheit for cold foods.~~

~~(b) All opened moist foods that have not been served must be covered, dated, and maintained at a temperature of forty-one degrees Fahrenheit or lower in the refrigerator or frozen in the freezer.~~

(c) Raw animal foods must be fully cooked to heat all parts of the food to a temperature and for a time of:

(i) One hundred forty-five degrees Fahrenheit or above for fifteen seconds for fish and meat;

(ii) One hundred sixty degrees Fahrenheit for fifteen seconds for chopped or ground fish, chopped or ground meat or raw eggs; or

(iii) One hundred sixty-five degrees Fahrenheit or above for fifteen seconds for poultry or stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, or stuffing containing fish meat or poultry.

~~(d) Potentially hazardous cooked foods must be cooled in an uncovered container, protected from cross contamination, and in a shallow layer of three inches or less in cooling equipment maintained at an ambient temperature of forty-one degrees Fahrenheit or less.~~

~~(2) Program staff must:~~

~~(a) Wash their hands prior to preparing food and after handling raw meats, poultry, or fish; and~~

~~(b) Not prepare food when ill with vomiting, diarrhea or infectious skin sores that cannot be covered.~~

~~(3)) (2) Previously prepared food may be served if:~~

~~(a) The food was not previously served; and~~

~~(b) It was stored at the proper temperature for less than twenty-four hours after preparation.~~

~~((4)) (3) Leftover foods or opened foods in the refrigerator must be labeled with the date that they were opened or cooked.~~

~~((5)) (4) Each staff person preparing or handling food must maintain a current Washington state department of health food worker's permit.~~

**WSR 13-16-044
EMERGENCY RULES
OFFICE OF**

INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2013-18—Filed July 31, 2013, 8:10 a.m., effective July 31, 2013, 8:10 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Provide issuers with the requirements for open enrollment in the individual health benefit plan market, and for special enrollment in the individual and small group health benefit plan markets.

Citation of Existing Rules Affected by this Order: Amending WAC 284-43-985.

Statutory Authority for Adoption: RCW 48.02.060, 48.18.120(2), 48.20.450, 48.43.0122, 48.44.050, and 48.46-200.

Other Authority: 45 C.F.R. 155.420; 45 C.F.R. 155.725.

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: Emergency regulations are necessary because without clear instruction regarding the requirements for open and special enrollment applicable to the 2014 plan or policy year, confusion among insurers and policyholders regarding rights and obligations will occur, preventing uniform and timely access to coverage in the individual and small group markets. Without open enrollment in the off-exchange individual market occurring concurrently with open enrollment on the exchange, issuers participating off the exchange are at significant risk for adverse selection, which can jeopardize the financial solvency of an issuer, payment of claims, and access to coverage at a reasonable cost. A prior emergency rule on this subject permitted open enrollment for the small group market. That emergency expires on

July 31. Recently issued federal rules permit enrollment at any time in the small group market both on and off the exchange, removing the risk of adverse selection for that marketplace, and requiring the adoption of new emergency rules explaining this standard, as well as new special enrollment requirements.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 8, Amended 1, 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 8, 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 8, Amended 1, Repealed 0.

Date Adopted: July 31, 2013.

Mike Kreidler
Insurance Commissioner

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 13-17 issue of the Register.

WSR 13-16-046
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 13-175—Filed July 31, 2013, 11:09 a.m., effective July 31, 2013, 11:09 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: To prevent new and multiple wildfires during this period of extreme fire danger; and to prevent the severe deterioration of air quality, which exacerbates the risk to life, health, and property.

Citation of Existing Rules Affected by this Order: Amending: WAC 232-13-070 and 232-13-130.

Statutory Authority for Adoption: RCW 77.12.210.

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: Fire danger is exceedingly high at this time. Numerous fires in the central part of the state have threatened extensive damage to homes, public facilities, businesses, public utilities, and infrastructure, impacting the life and health of our citizens throughout eastern Washington. Fires also have created an air pollution problem effecting citizens statewide. The department must thwart new and multi-

ple fires by prohibiting many activities that could cause wildfires.

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 6, 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 31, 2013.

Philip Anderson
Director

NEW SECTION

WAC 232-13-07000A Fires and campfires (1) Notwithstanding the provisions of WAC 232-13-070, effective immediately until further notice, it is unlawful to build, start, or maintain fires or campfires in wildlife areas and access sites owned or controlled by the department of fish and wildlife without a permit or approval from the director. However, it is permissible to use personal camp stoves or lanterns that are fueled by liquid petroleum, liquid petroleum gas, or propane.

(2) A violation of this section is an infraction punished under RCW 77.15.160 (5)(b).

NEW SECTION

WAC 232-13-07500A Smoking (1) Effective immediately until further notice, it is unlawful to smoke in wildlife areas and access sites owned or controlled by the department of fish and wildlife, except in an enclosed vehicle, a building, or within a 3-foot diameter that is cleared down to mineral soil.

(2) A violation of this section is an infraction punished under RCW 77.15.160 (5)(b).

NEW SECTION

WAC 232-13-13000A Firearms and target practicing (1) Notwithstanding the provisions of WAC 232-13-130, effective immediately until further notice, it is unlawful in wildlife areas and access sites owned or controlled by the department of fish and wildlife to discharge firearms for purposes of target practicing, except in designated target-shooting areas.

(2) A violation of this section is an infraction punished under RCW 77.15.160 (5)(b).

NEW SECTION

WAC 232-13-14300A Chainsaws and other power equipment (1) Effective immediately until further notice, in wildlife areas and access sites owned or controlled by the department of fish and wildlife, it is unlawful without a permit or approval from the director to operate a chainsaw or other equipment powered by an internal combustion engine.

(2) A violation of this section is an infraction punished under RCW 77.15.160 (5)(b).

NEW SECTION

WAC 232-13-14500A Welding or operating an acetylene or other torch with open flame. (1) Effective immediately until further notice, it is unlawful without a permit or approval from the director to weld or operate an acetylene torch or other open flame in wildlife areas and access sites owned or controlled by the department of fish and wildlife.

(2) A violation of this section is an infraction punished under RCW 77.15.160 (5)(b).

NEW SECTION

WAC 232-13-15500A Operating a motor vehicle off developed roadways. (1) Effective immediately until further notice, it is unlawful in wildlife areas and access sites owned or controlled by the department of fish and wildlife to operate a motor vehicle off developed roadways. However, it is permissible to park in an area devoid of vegetation within 10 feet of the roadway, and to park overnight in developed campgrounds and at trailheads.

(2) A violation of this section is an infraction punished under RCW 77.15.160 (5)(b).

WSR 13-16-047**EMERGENCY RULES****DEPARTMENT OF****FISH AND WILDLIFE**

[Order 13-170—Filed July 31, 2013, 2:47 p.m., effective August 1, 2013, 12:01 a.m.]

Effective Date of Rule: August 1, 2013, 12:01 a.m.

Purpose: Amend recreational fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-55-22000E, 220-56-12800L and 220-56-13600A; and amending WAC 220-55-220, 220-56-105, 220-56-124, 220-56-128, 220-56-136, 220-56-195, and 220-56-500.

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

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 department is in the process of adopting permanent rules that are necessary to imple-

ment the personal-use fishing plans agreed to with resource comanagers at the North of Falcon proceedings. All of these rules are interim until permanent rules take effect.

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 7, Amended 0, Repealed 3.

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 31, 2013.

Philip Anderson
Director

NEW SECTION

WAC 220-55-22000F Two-pole endorsement. Notwithstanding the provisions of WAC 220-55-220, effective August 1, 2013, until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

The use of two poles is allowed in the following waters:

(1) Drano Lake (Skamania County) from September 15 until further notice.

(2) Columbia River within Camas Slough.

(3) Columbia River from Priest Rapids Dam to Chief Joseph Dam, effective immediately through August 31.

(4) Lewis River (Clark/Skamania County) from the mouth to mouth of the East Fork Lewis River.

(5) North Fork Lewis River (Clark/Cowlitz County) from the mouth to Johnston Creek.

(6) Naselle River (Pacific/Wahkiakum counties) from Highway 101 bridge to Highway 401.

(7) Okanogan River (Okanogan County).

(8) Marine Area 8-2 (Port Susan and Port Gardner): Tulalip Terminal Area, effective immediately through September 22.

(9) Marine Area 10 (Seattle/Bremerton Area): Sinclair Inlet.

The use of two poles is not allowed in the following waters:

(1) Wind River (Skamania County).

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

NEW SECTION

WAC 220-56-10500H River mouth definitions. Notwithstanding the provisions of WAC 220-56-105, effective August 1, 2013, until further notice, when pertaining to

angling, unless otherwise defined, any reference to the mouths of rivers or streams includes those waters of any river or stream, including sloughs and tributaries, upstream and inside of a line projected between the outermost uplands at the mouth. The term "outermost upland" means those lands not covered by water during an ordinary high tide. The following river mouths are hereby otherwise defined as and are in effect:

- (1) California Creek - Drayton Harbor Road bridge
- (2) Tahuya River - North Shore Road bridge

NEW SECTION

WAC 220-56-12400M Seasons and areas--Hoodsport Hatchery. Notwithstanding the provisions of WAC 220-56-124, effective August 1, 2013, until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

(1) Hoodsport Salmon Hatchery ADA-access site: Persons with disabilities who permanently use a wheelchair and who have a designated harvester card under WAC 220-55-065 may fish from the ADA-access site at the Hoodsport Salmon Hatchery as long as such persons follow all applicable rules.

NEW SECTION

WAC 220-56-12800M Food fish fishing—Closed areas. Notwithstanding the provisions of WAC 220-56-128, effective August 1, 2013, until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

(1) Persons with disabilities who permanently use a wheelchair and have a designated harvester card under WAC 220-55-065 may fish from the ADA-accessible site at the Hoodsport Salmon Hatchery, provided such persons follow all applicable rules and regulations of the adjoining waters of Marine Area 12.

(2) Freshwater Bay - Waters south of a line from Angeles Point to Observatory Point (Bachelor Rock) are closed immediately until further notice.

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

NEW SECTION

WAC 220-56-13600B Dash Point Dock public fishing pier. Effective immediately until further notice, it is unlawful to fish for or possess food fish or shellfish taken within 100 yards of the Dash Point Dock public fishing pier except while fishing from the Dash Point Dock public fishing pier. Violation of this section is an infraction, punishable under RCW 77.15.160.

NEW SECTION

WAC 220-56-19500A Closed areas—Saltwater salmon angling. Notwithstanding the provisions of WAC 220-56-195, effective August 1, 2013, until further notice, it

is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

(1) Port Angeles Harbor - Waters westerly of a line from the tip of Ediz Hook to the I.T.T. Rayonier Dock are closed to fishing for salmon immediately until further notice.

NEW SECTION

WAC 220-56-50000C Game fish seasons. Notwithstanding the provisions of WAC 220-56-500, effective August 1, 2013, until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

(1) Persons with disabilities who permanently use a wheelchair and have a designated harvester card under WAC 220-55-065 may fish from the ADA-accessible site at the Hoodsport Salmon Hatchery, provided such persons follow all applicable rules and regulations of the adjoining waters of Marine Area 12.

(2) Freshwater Bay - Waters south of a line from Angeles Point to Observatory Point (Bachelor Rock) are closed immediately until further notice.

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 sections of the Washington Administrative Code are repealed effective 12:01 a.m. August 1, 2013:

WAC 220-55-22000E Two-pole endorsement. (13-82)

WAC 220-56-12800L Food fish fishing—Closed areas. (13-82)

WAC 220-56-13600A Dash Point Dock public fishing pier. (13-74)

WSR 13-16-048

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 13-173—Filed July 31, 2013, 2:50 p.m., effective July 31, 2013, 2:50 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100E; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.04.020, 77.04.055, 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 2013 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 (1) opens Catch Area 20A to beam trawl fishing; and (2) adjusts the spot shrimp biweekly management limit in Catch Area 25A. 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: July 31, 2013.

Philip Anderson
Director

NEW SECTION

WAC 220-52-05100F Puget Sound shrimp pot and beam trawl fishery—Season. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further 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, 3, 4, and 6 are open to the harvest of all shrimp species, effective immediately, until further notice, except as provided for in this section:

i) All waters of the Discovery Bay Shrimp District are closed;

ii) All waters of Shrimp Management Areas 4 and 6 and Marine Fish/Shellfish Management and Catch Reporting Area (Catch Area) 23A-E are closed to the harvest of spot shrimp; and

iii) All waters of Shrimp Management Areas 1A and 1C are closed to the harvest of all shrimp species other than spot shrimp.

(b) The spot shrimp catch accounting biweekly management periods are as follows:

i) Immediately through August 13, and August 14-27, 2013.

(c) Effective immediately until further notice, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 1,200 pounds per biweekly management period, with the following exceptions:

i) 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 biweekly management period in Shrimp Management Areas 1A and 1C, or to exceed 600 pounds per biweekly management period in Catch Area 23B, or to exceed 400 pounds per biweekly management period in Catch Area 25A.

(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.

i) 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.

ii) 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) The following areas are open to Shrimp beam trawl gear, effective immediately, until further notice.

(a) Shrimp Management Area (SMA) 3 (outside of the Discovery Bay Shrimp District, Sequim Bay and Catch Area 23D). 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.

(c) All waters of Catch Area 20A.

(3) It is unlawful to sell shrimp taken under this section to any person who is not a licensed Washington wholesale fish dealer.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100E Puget Sound shrimp beam trawl fishery—Season. (13-159)

WSR 13-16-049

EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 13-171—Filed July 31, 2013, 3:14 p.m., effective August 1, 2013]

Effective Date of Rule: August 1, 2013.

Purpose: Amend recreational fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900F and 232-28-61900X; and amending WAC 232-28-619.

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

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 department is in the process of adopting permanent rules that are necessary to implement the personal-use fishing plans agreed to with resource comanagers at the North of Falcon proceedings. All of these rules are interim until permanent rules take effect.

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: July 31, 2013.

Philip Anderson
Director

NEW SECTION

WAC 232-28-61900X Exceptions to statewide rules.

Notwithstanding the provisions of WAC 232-28-619 and WAC 220-56-105, effective August 1, 2013, until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

1. Baker Lake (Whatcom County):

Salmon: Open immediately through September 2: Daily limit 2 sockeye only; each angler aboard a vessel may deploy salmon angling gear until the daily salmon limit for all licensed and juvenile anglers aboard has been achieved.

2. Green (Duwamish) River (King County):

(a) From First Avenue South bridge to Tukwila International Boulevard/Old Highway 99: Gamefish and salmon open from August 23 until further notice. From August 23 through August 31, only one single-point hook may be used and must measure 1/2 inch or less from point to shank.

(b) From Tukwila International Boulevard/Old Highway 99: Salmon closed from August 20 through August 31.

(c) From Interstate 405 bridge to South 277th Street bridge in Auburn: From September 1 through September 30, only one single-point hook may be used and must measure 1/2 inch or less from point to shank.

(d) From 277th Street bridge to Auburn-Black Diamond Road bridge: From September 16 until further notice, only one single-point hook may be used and must measure 1/2 inch or less from point to shank.

3. Nisqually River (Pierce County):

From the mouth to Military Tank Crossing: Fishing from any floating device is prohibited from August 4 through August 6, August 11 through August 13, August 18 through August 20, and August 25 through August 27. Salmon: Daily limit 6; no more than 4 adults, of which only 2 adults may be

any combination of Chinook, chum, and coho. Release wild Chinook.

4. Nooksack River (Whatcom County):

From Lummi Indian Reservation boundary to Highway 544 bridge at Everson: Effective immediately through August 31, Only one single-point hook may be used and must measure 1/2 inch or less from point to shank.

5. Pleasant Lake (Clallam County):

Effective immediately until further notice, Kokanee minimum length is six inches and maximum length is eighteen inches.

6. Samish River (Skagit County):

From the mouth to the I-5 Bridge: Open immediately through September 8. Bait or lure is not required to be suspended below a float. Salmon: Open August 1 through September 8. Daily limit 2. Wild coho retention is permitted. Anglers are not required to retain the first 2 legal salmon.

7. Skagit River (Skagit/Whatcom counties):

(a) From the mouth to Gilligan Creek: Salmon: Open August 1 until further notice. Daily limit 4; no more than 2 wild coho. Release Chinook and chum.

(b) From Gilligan Creek to The Dalles bridge at Concrete: Effective immediately through August 15, hook must measure 1/2 inch or less from point to shank. Salmon: Daily limit 4; no more than 2 wild coho. Release Chinook and chum.

(c) From The Dalles bridge at Concrete to the Cascade River Road: Effective immediately through August 31: Hook must measure 1/2 inch or less from point to shank. Salmon: Open September 1 until further notice. Daily limit 4; no more than 2 wild coho. Release Chinook and chum.

8. Skykomish River (Snohomish County):

From the mouth of the Wallace River to the forks: Salmon: Release Chinook and chum.

9. Snohomish River (Snohomish County):

From Burlington-Northern Railroad bridges, including all channels, sloughs, and interconnected waterways, but excluding all tributaries, to Highway 9 bridge: Salmon: Open August 1 until further notice. Daily limit 3 plus 1 additional pink. Release Chinook and chum.

10. Snoqualmie River (King County):

From the mouth to Snoqualmie Falls: Salmon: Open September 1 until further notice. Daily limit 3 plus 1 additional pink. Release Chinook and chum.

11. Wallace River (Snohomish County):

From the mouth to 200 feet upstream of the water intake of the salmon hatchery: Salmon: Open September 16 until further notice. Daily limit 3 plus 1 additional pink. Release Chinook and chum.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 1, 2013:

WAC 232-28-61900F Exceptions to statewide rules. (13-85)

The following section of the Washington Administrative Code is repealed effective October 1, 2013:

WAC 232-28-61900X Exceptions to statewide rules.

WSR 13-16-052
EMERGENCY RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed August 1, 2013, 8:25 a.m., effective August 1, 2013, 8:25 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amending WAC 181-79A-130 and 181-79A-131 to change procedures for collecting certification fees with the implementation of the new e-cert system. Permanent filing in September not soon enough for new teacher use of e-cert system for payment. CR-102 proposal filed as WSR 13-15-011.

Citation of Existing Rules Affected by this Order: Amending x.

Statutory Authority for Adoption: RCW 28A.410.060.

Under RCW 34.05.350 the agency for good cause finds that in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, or 2011, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this Finding: Statutory changes to fee collection permitted when e-cert system goes online. Change is need[ed] by September 1, 2013.

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 2, 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 2, Repealed 0.

Date Adopted: August 1, 2013.

David Brenna
Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 08-12-055, filed 6/2/08, effective 7/3/08)

WAC 181-79A-130 Fee for certification. (1) In accordance with provisions of RCW 28A.410.060 and 28A.415.-010, the fee for certificates which are valid for more than one

year, issued by authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be as follows:

(a) The first issue of the residency certificate, five dollars for each year of validity;

(b) The continuing certificate, seventy dollars;

(c) The reinstatement, additional endorsement on the teaching certificate, duplicate certificates, substitute certificates, and certificates issued for the purpose of showing a name change, fifteen dollars;

(d) The first peoples' language, culture, and oral tribal traditions teacher certificate, twenty-five dollars; and

(e) Any other certificate or credential or any renewal thereof, five dollars for each year of validity:

~~((f))~~ (i) Provided, That the fee for all career and technical education certificates shall be one dollar:

~~((g))~~ (ii) Provided, That a one-time late fee for a renewed initial or continuing certificate issued under the provisions of WAC 181-79A-123 (7), (8), or (9) for those whose initial certificate had already expired shall be one hundred dollars.

(2) The fee for any other certificate/credential, or for any renewal thereof, issued by the authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be five dollars.

(3) Officials authorized to collect certification fees are educational service district superintendents, ~~((local school district superintendents,))~~ deans and directors of education at colleges and universities, or their designees. Sovereign tribal governments may collect certification fees for first peoples' language, culture, and oral tribal traditions certificates. The fee must accompany the application for a certificate and shall be transmitted by the receiving district, college or university, sovereign tribal government or program unit designee at least quarterly to the educational service district within which the application is filed for disposition in accordance with provisions of RCW 28A.410.060 or to the office of the superintendent of public instruction.

(4) Beginning September 1, 2013, the office of the superintendent of public instruction may collect certification fees.

(5) The fee shall not be refunded unless the application is withdrawn before it is finally considered (i.e., the issuance of a certificate or a written communication denying such issuance) by the superintendent of public instruction or his or her designee. Fees not refunded shall apply as credit toward certificate fees if such applicant reapplies within twenty-four months of the date of denial. Moneys accrued from certification fees ~~((within the boundaries of an educational service district))~~ shall be divided in the following manner:

(a) ~~((Local school districts employing more than one hundred teachers and other professional staff and collecting certification fees may retain one dollar of each fee in order to hold a professional training institute. If such district does not hold an institute, all such moneys shall be placed to the credit of the educational service district.~~

~~((b))~~ No less than fifty percent of the funds accruing within the boundaries of an educational service district shall be used to support program activities related to statewide pre-certification professional preparation and evaluation.

~~((e))~~ (b) The remaining funds shall be used to support professional in-service training programs, program evaluation and/or provision of certification services by educational service districts.

~~((d))~~ Use of certification fees described in this section shall be reported annually to the professional educator standards board pursuant to WAC 181-79A-131(6).))

AMENDATORY SECTION (Amending WSR 08-12-055, filed 6/2/08, effective 7/3/08)

WAC 181-79A-131 Use of fee for certification. (1) Certification fees will be used solely for precertification preparation, program evaluation, professional in-service training programs, and/or provision of certification services by educational service districts in accordance with this chapter.

(2) Precertification preparation:

(a) The primary utilization shall be to support collaborative efforts essential to program development, program evaluation, and assessment of candidates' entry and exit competency.

(b) Funds set aside for precertification shall not supplant funds already available to any participating agency.

(c) Until September 1, 2013, a single educational service district ~~((shall))~~ may be designated to administer the funds allocated for precertification programs. The designated educational service district shall be permitted to retain a percentage of the precertification fees at a rate to be negotiated by the superintendent of public instruction and the educational service district for costs related to administering these funds. After September 1, 2013, the office of the superintendent of public instruction may be designated to administer the funds allocated for precertification purposes per RCW 28A.410-.200(7).

(d) Each quarter, for any fees collected, every educational service district shall forward the moneys designated for precertification programs to the educational service district designated to administer such programs.

(3) Professional in-service training programs and teachers' institutes and/or workshops:

(a) ~~((Each educational service district, or cooperative thereof as specified in (d) of this subsection, shall establish an in-service committee composed of an educational service district representative; at least one district superintendent; one principal; one educational staff associate; one elementary, one junior high and one senior high teacher; one representative from the elementary or secondary level of private schools within the educational service district; and one representative selected by the chief administrative officer responsible for professional education from a college/university having a professional educator standards board-approved teacher education program. Teacher representatives shall be selected by agreement among the presidents of the local education associations within the respective educational service district or cooperative thereof.~~

~~(b) The educational service district representative shall serve as chairperson of the in-service committee and provide liaison with the superintendent of public instruction and the professional educator standards board.~~

~~(e) The in-service committee will be responsible for coordinating in-service/staff development model programs within the educational service district and shall submit to the superintendent of public instruction and the professional educator standards board a plan for soliciting and selecting model programs which shall include procedures for conducting needs assessments, determining priorities and carrying out program evaluation.~~

~~(d))~~ Beginning with the state fiscal year 2015, the professional educator standards board shall biennially issue a request for proposal to eligible in-service education agencies per WAC 181-85-045 to submit applications for funds for the purpose of offering in-service continuing education provided per reporting requirements published by the board.

(b) Cooperative agreements may be made among educational service districts to provide quality in-service education programs.

~~((e))~~ (c) Funds designated for in-service programs shall not supplant funds already available for such programs.

(4) Provision of certification services:

(a) The primary utilization shall be to support costs associated with operating educational service district certification offices to provide direct service to educators related to certification.

(b) Funds set aside for the provision of certification services shall not supplant funds already available to any educational service district until such time as educational service districts are no longer receiving certificate fees.

(5) Allowable expenditures. Funds may be used to support costs related to training, such as the payment of professional contractual services, per diem, travel costs, materials, printing, or released time. Nonallowable costs are college/university tuition and fees.

~~((6) Annual reporting. No later than July 1, the superintendent of public instruction shall prepare and present to the professional educator standards board an annual report concerning the use of certification fees for the previous fiscal year. The report shall include proposed budgets and a description of activities, in accordance with this chapter, for the upcoming fiscal year. Budgets and activities must be approved by the professional educator standards board on an annual basis.))~~

**WSR 13-16-053
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 13-174—Filed August 1, 2013, 1:27 p.m., effective August 1, 2013, 1:27 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900B and 232-28-62000X; and amending WAC 232-28-619 and 232-28-620.

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

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 department is in the process of adopting permanent rules that are necessary to implement the personal-use fishing plans agreed to with resource comanagers at the North of Falcon proceedings. These emergency rules are necessary to comply with agreed-to management plans, and are interim until permanent rules take effect.

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 2, 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 1, 2013.

Philip Anderson
Director

NEW SECTION

WAC 232-28-61900B Freshwater exceptions to state-wide rules. Notwithstanding the provisions of WAC 232-28-619, effective immediately until further notice, it is unlawful to violate the provisions below. Unless otherwise amended, all permanent rules remain in effect:

Humptulips River (Grays Harbor County), including all channels, sloughs, and interconnected waterways:

1. From the mouth (Jessie Slough) to Highway 101 Bridge:

a. August 16 until further notice: Night closure and single-point barbless hooks required.

b. September 1 until further notice: Open for salmon. Daily limit 6; no more than 3 adults, of which only 1 can be a Chinook and 1 a wild coho. Chum retention permitted.

2. From Highway 101 Bridge to confluence of the East and West forks:

a. September 1 until further notice: It is unlawful to fish from a floating device equipped with an internal combustion motor for all species.

b. September 1 until further notice: Open for salmon. Daily limit 6; no more than 3 adults, of which only 1 can be a Chinook and 1 a wild coho. Release chum.

Bear River (Pacific County): From mouth (Highway 101 Bridge) to Lime Quarry Road:

August 16 until further notice: Anti-snagging rule, night closure, and barbless hooks required.

Chehalis River (Grays Harbor County), including all channels, sloughs, and interconnected waterways:

1. From the mouth (Highway 101 Bridge in Aberdeen) to Porter Bridge.

a. September 1 until further notice: Open for salmon. Daily limit 6; no more than 3 adults, of which only 2 may be wild coho. Release adult Chinook. Chum retention permitted.

2. From Porter Bridge to the confluence with Skookumchuck River.

a. September 1 until further notice: Open for salmon. Daily limit 6; no more than 3 adults, of which only 2 may be wild coho. Release chum and adult Chinook.

3. From the Skookumchuck River to high bridge on Weyerhaeuser 1000 line approximately 400 yards downstream of Roger Creek:

a. September 16 until further notice: Open for salmon. Daily limit 6; no more than 3 adults, of which only 2 may be wild coho. Release chum and Chinook.

Naselle River (Pacific/Wahkiakum County):

1. From Highway 101 Bridge to Highway 4 Bridge: Effective immediately until further notice, night closure, anti-snagging rule, and barbless hooks required.

2. From Highway 101 to Highway 401: Effective immediately until further notice, anglers may fish with a Two-Pole Endorsement.

3. From Highway 4 Bridge to the Crown Mainline (Salme) Bridge: Closed from upstream entrance of the hatchery attraction channel downstream 400 feet.

4. From Highway 4 upstream to the full spanning concrete diversion structure at the Naselle Hatchery: Closed until further notice. Effective immediately until further notice, internal combustion motors prohibited.

Nemah River, Middle Fork (Pacific County):

From the mouth upstream to the Department of Natural Resources bridge on the Middle Nemah A-Line Road: September 1 until further notice, open for salmon. Daily limit 6; no more than 2 adults. Release wild Chinook, wild coho and chum.

North River (Grays Harbor/Pacific County):

From Salmon Creek to Fall River: August 16 until further notice, night closure, anti-snagging rule, and single-point barbless hooks required.

Palix River, including all forks (Pacific County):

From the Highway 101 Bridge to the mouth of the Middle Fork: September 1 until further notice, open for salmon. Daily limit 6; no more than 2 adults, of which only 1 may be a wild coho. Release chum and wild Chinook.

Satsop River and East Fork (Grays Harbor/Mason County):

1. From the mouth to the dam:

a. Effective August 16 until further notice, night closure and single-point barbless hooks required.

b. September 16 until further notice: Chum retention is permitted. Release wild adult Chinook.

Willapa River, South Fork (Pacific County):

From the mouth to the bridge on Pehl Road: August 1 until further notice, night closure, anti-snagging rule, and barbless hooks required.

Wishkah River (Grays Harbor County):

1. Mouth to West Fork: September 16 until further notice, open for salmon. Daily limit 6; no more than 2 adults, of which only 1 may be a wild coho. Release Chinook and chum.

2. From the mouth of the West Fork to 200 feet below the weir at the Wishkah Rearing Ponds: Closed from 150 feet upstream to 150 feet downstream of the Wishkah adult attraction channel/outfall structure (within the posted fishing boundary), except for anglers with disabilities who permanently use a wheelchair and have a designated harvester companion card.

Wynoochee River (Grays Harbor County):

From the mouth to the WDFW White Bridge Access Site: September 16 until further notice, bait is permitted. Chum retention is permitted.

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

NEW SECTION

WAC 232-28-62000X Coastal salmon—Saltwater seasons and daily limits. Notwithstanding the provisions of WAC 232-28-620, effective immediately until further notice, it is unlawful to violate the provisions below. Unless otherwise amended, all permanent rules remain in effect:

1. Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):

a. September 16 through September 22: Daily limit 3 salmon; no more than 1 of which may be a Chinook salmon. Chum retention permitted.

b. September 23 until further notice: Daily limit 3 salmon; release Chinook. Chum retention permitted.

2. Grays Harbor (Catch Record Card Area 2-2 west of the Buoy 13 line):

a. Effective immediately through August 10: Open concurrent with Area 2 when Area 2 is open to salmon angling. Area 2 rules apply.

b. August 11 until further notice: Closed.

REPEALER

The following sections of the Washington Administrative Code are repealed effective October 1, 2013:

WAC 232-28-61900B Exceptions to statewide rules.

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

**WSR 13-16-054
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 13-177—Filed August 1, 2013, 1:29 p.m., effective August 1, 2013, 1:29 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900D and 232-28-61900T; and amending WAC 232-28-619.

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

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 department is in the process of filing permanent rules that were adopted by the Washington fish and wildlife commission for sportfishing, and permanent rules that will be adopted by the department for recreational salmon fishing. The salmon rules were agreed to with resource comanagers at the North of Falcon proceedings. Recent estimates of Okanogan sockeye are predicted to be adequate to allow for an anticipated low level (3,000-4,000) of angler harvest. Allowing sockeye retention will provide additional fishing opportunity.

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 1, 2013.

Philip Anderson
Director

NEW SECTION

WAC 232-28-61900D Exceptions to statewide rules. Notwithstanding the provisions of WAC 232-28-619, effective immediately, until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

1. Chelan River (Chelan County):

(a) It is unlawful to use other than barbless hooks while fishing for salmon and steelhead.

(b) From September 1 until further notice, anti-snagging rule and night closure in effect.

(c) Salmon: Open from September 1 until further notice, daily limit 6 hatchery Chinook of which no more than 2 adult hatchery Chinook may be retained. Release all wild Chinook salmon.

2. Columbia River, including impoundments and all connecting sloughs, except Wells Ponds:

(a) From McNary Dam to Priest Rapids Dam:

(i) It is unlawful to use other than barbless hooks while fishing for salmon and steelhead.

(c) From Priest Rapids Dam to Chief Joseph Dam:

(i) It is unlawful to use other than barbless hooks while fishing for salmon and steelhead.

(iii) Effective immediately until further notice, daily limit 6 salmon, of which only 2 of which may be adult hatchery Chinook and 2 may be adult sockeye. Minimum size for adult Chinook salmon is 24 inches; minimum size for adult sockeye is 12 inches. Release all wild Chinook and coho salmon. Anglers must stop fishing once adult salmon limit has been harvested. Salmon with floy tags and/or one or more holes (round, approximately 1/4" in diameter) punched in the tail must be released.

3. Okanogan River (Okanogan County):

(a) It is unlawful to use other than barbless hooks while fishing for salmon and steelhead.

(b) From the mouth upstream to the first Highway 97 Bridge:

(i) Effective immediately until further notice, anglers fishing with two poles is permissible as long as the angler possess a two-pole endorsement.

(ii) Effective immediately until further notice, daily limit 6 salmon, of which only 2 of which may be adult hatchery Chinook and 2 may be adult sockeye. Minimum size for adult Chinook salmon is 24 inches; minimum size for adult sockeye is 12 inches. Release all wild Chinook and coho salmon. Anglers must stop fishing once adult salmon limit has been harvested. Salmon with floy tags and/or one or more holes (round, approximately 1/4" in diameter) punched in the tail must be released.

(c) Upstream from the first Highway 97 Bridge: Effective immediately through September 15, daily limit 6 salmon, of which only 2 of which may be adult hatchery Chinook and 2 may be adult sockeye. Minimum size for adult Chinook salmon is 24 inches; minimum size for adult sockeye is 12 inches. Release all wild Chinook and coho salmon. Anglers must stop fishing once adult salmon limit has been harvested. Salmon with floy tags and/or one or more holes (round, approximately 1/4" in diameter) punched in the tail must be released.

4. Similkameen River (Okanogan County):

(a) Closed from Enloe Dam downstream 400 feet.

(b) It is unlawful to use other than barbless hooks while fishing for salmon and steelhead.

(c) Effective immediately through September 15, daily limit 6 salmon, of which only 2 of which may be adult hatchery Chinook and 2 may be adult sockeye. Minimum size for adult Chinook salmon is 24 inches; minimum size for adult sockeye is 12 inches. Release all wild Chinook and coho salmon. Anglers must stop fishing once adult salmon limit has been harvested. Salmon with floy tags and/or one or more holes (round, approximately 1/4" in diameter) punched in the tail must be released.

5. Yakima River (Yakima County):

(a) From mouth (Hwy. 240 Bridge) to 400 feet below Prosser Dam, it is unlawful to use other than barbless hooks while fishing for salmon and steelhead.

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:

WAC 232-28-61900T Exceptions to statewide rules—
Columbia and Okanogan Rivers.
(13-133)

The following section of the Washington Administrative Code is repealed effective October 1, 2013:

WAC 232-28-61900D Exceptions to statewide rules.

WSR 13-16-055

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 13-169—Filed August 1, 2013, 1:32 p.m., effective August 1, 2013, 1:32 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900H and 232-28-61900U; and amending WAC 232-28-619.

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

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: One of the provisions of the Washington fish and wildlife commission's new draft policy, "Columbia River Basin Salmon Management," requires sport anglers fishing for salmon and steelhead in the mainstem Columbia River to use barbless hooks beginning in 2013. This regulation is needed to maintain concurrent regulations between Oregon and Washington in those waters of the mainstem Columbia River where the two states share a boundary. In addition, this regulation is needed to implement the barbless-hook requirement for Columbia River tributaries that was adopted during the recent North of Falcon process. These rules are interim until permanent rules take effect.

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 1, 2013.

Philip Anderson
Director

NEW SECTION

WAC 232-28-61900U Freshwater exceptions to state-wide rules—Columbia River and tributaries. Notwithstanding the provisions of WAC 232-28-619, effective immediately, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

1. Abernathy Creek (Cowlitz Co.) from mouth (Hwy. 4 Bridge) to posted markers 500 feet below salmon hatchery: Effective immediately until further notice, barbless hooks required for steelhead.

2. Blue Creek (Lewis Co.) from mouth to posted sign above rearing pond outlet: Effective immediately until further notice, barbless hooks required for steelhead.

3. Camas Slough: Effective immediately until further notice, barbless hooks required for salmon and steelhead.

4. Cedar Creek (tributary of North Fork Lewis River) (Clark Co.): Effective immediately until further notice, barbless hooks required for steelhead.

5. Cispus River (Lewis Co.) from mouth to North Fork: Effective immediately until further notice, barbless hooks required for steelhead.

6. Coal Creek (Cowlitz Co.) from mouth to 400 feet below falls: Effective immediately until further notice, barbless hooks required for steelhead.

7. Columbia River from a true north/south line through Buoy 10 to a projected line from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank:

(a) Effective immediately until further notice, barbless hooks required for salmon and steelhead.

(b) Effective September 2 through September 30, release Chinook.

8. Columbia River from a line projected line from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank (Rocky Point/Tongue Point line) to Bonneville Dam:

(a) Effective immediately until further notice, barbless hooks required for salmon and steelhead.

(b) Effective immediately until further notice, barbless hooks required for cutthroat trout from the Rocky Point/Tongue Point line upstream to the I-5 Bridge.

(c) Effective immediately until further notice, no more than one Chinook may be retained.

(i) Downstream of a line from a line projected from the Warrior Rock lighthouse through Red Buoy #4 to the orange marker atop the dolphin on the Washington shore:

(A) Effective September 6 through September 12, release wild Chinook.

(B) Effective September 13 through September 30, release Chinook.

9. Columbia River from Bonneville Dam to Chief Joseph Dam: Salmon open until further notice. Effective immediately until further notice, barbless hooks required for salmon and steelhead.

10. Coweeman River (Cowlitz Co.): Effective immediately until further notice, barbless hooks required for steelhead.

11. Cowlitz Falls Reservoir (Lake Scanewa) (Lewis Co.): Effective immediately until further notice, barbless hooks required for salmon and steelhead.

12. Cowlitz River (Cowlitz Co.) from mouth to 400 feet below Mayfield Powerhouse: Effective immediately until further notice, barbless hooks required for salmon, steelhead, and cutthroat trout.

13. Cowlitz River (Cowlitz Co.) from posted PUD sign on Peters Rd. to the mouth of Ohanepecosh and mouth of Muddy Fork: Effective immediately until further notice, barbless hooks required for salmon and steelhead.

14. Drano Lake (waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery) (Skamania Co.): Effective immediately until further notice, barbless hooks required for salmon and steelhead.

15. Elochoman River (Wahkiakum Co.) from mouth to West Fork: Effective immediately until further notice, barbless hooks required for salmon and steelhead.

16. Germany Creek (Cowlitz Co.) from mouth to end of Germany Creek Road (approximately 5 miles): Effective immediately until further notice, barbless hooks required for steelhead.

17. Grays River (Wahkiakum Co.) from mouth to mouth of South Fork: Effective immediately until further notice, barbless hooks required for salmon and steelhead.

18. Grays River, West Fork (Wahkiakum Co.) from mouth to hatchery intake/footbridge: Effective immediately until further notice, barbless hooks required for salmon and steelhead.

19. Green River (Cowlitz Co.) from mouth to Miner's Creek: Effective immediately until further notice, barbless hooks required for salmon and steelhead.

20. Hamilton Creek (Skamania Co.): Effective immediately until further notice, barbless hooks required for steelhead.

21. Kalama River (Cowlitz Co.) from boundary markers at the mouth to 1,000 feet below the fishway at upper salmon hatchery:

(a) Effective immediately until further notice, barbless hooks required for salmon and steelhead.

(b) Effective immediately until further notice, stationary gear restriction has been rescinded.

22. Klickitat River (Klickitat Co.) from mouth to Yakama reservation boundary: Effective immediately until further notice, barbless hooks required for salmon and steelhead.

23. Lacamas Creek (tributary of Cowlitz River) (Lewis Co.): Effective immediately until further notice, barbless hooks required for steelhead.

24. Lewis River (Clark Co.) from mouth to forks: Effective immediately until further notice, barbless hooks required for salmon and steelhead.

25. Lewis River, East Fork (Clark/Skamania counties) from mouth to 400 feet downstream of Horseshoe Falls: Effective immediately until further notice, barbless hooks required for steelhead.

26. Lewis River, North Fork (Clark/Skamania counties) from mouth to overhead powerlines below Merwin Dam:

(a) Effective immediately until further notice, barbless hooks required for salmon and steelhead.

(b) Effective immediately through September 30, open for salmon. Daily limit 6 hatchery salmon, of which no more than 2 may be adult Chinook. Release all salmon except hatchery Chinook and hatchery coho.

(c) Effective immediately until further notice, Colvin Creek to powerlines, anti-snagging rule is in effect.

27. Little Washougal River (Clark Co.): Effective immediately until further notice, barbless hooks required for steelhead.

28. Mill Creek (Cowlitz Co.): Effective immediately until further notice, barbless hooks required for steelhead.

29. Mill Creek (tributary of Cowlitz River) (Lewis Co.) from mouth to hatchery road crossing culvert: Effective immediately until further notice, barbless hooks required for steelhead.

30. Olequa Creek (Lewis/Cowlitz counties): Effective immediately until further notice, barbless hooks required for steelhead.

31. Rock Creek (Skamania Co.): Effective immediately until further notice, barbless hooks required for steelhead.

32. Salmon Creek (Clark Co.) from mouth to 72nd Ave. Bridge: Effective immediately until further notice, barbless hooks required for steelhead.

33. Skamokawa Creek (Wahkiakum Co.) from mouth (Hwy. 4 Bridge) to forks below Oatfield and Middle Valley Road: Effective immediately until further notice, barbless hooks required for steelhead.

34. Tilton River (Lewis Co.) from mouth to West Fork: Effective immediately until further notice, barbless hooks required for salmon and steelhead.

35. Toutle River (Cowlitz Co.) from mouth to forks: Effective immediately until further notice, barbless hooks required for salmon and steelhead.

36. Toutle River, North Fork (Cowlitz Co.) from mouth to posted deadline downstream of the fish collection facility: Effective immediately until further notice, barbless hooks required for salmon and steelhead.

37. Toutle River, South Fork (Cowlitz Co.): Effective immediately until further notice, barbless hooks required for steelhead.

38. Washougal River (Clark County) from mouth to Salmon Falls:

(a) Effective immediately until further notice, barbless hooks required for salmon and steelhead.

(b) Effective immediately until further notice, stationary gear restriction has been rescinded.

39. Washougal River, West (North) Fork (Clark/Skamania counties) from water intake at WDFW hatchery upstream: Effective immediately until further notice, barbless hooks required for steelhead.

40. White Salmon River (Klickitat/Skamania counties) from mouth to county road bridge below the powerhouse: Effective immediately until further notice, barbless hooks required for salmon and steelhead.

41. Wind River (Skamania Co.) from mouth to 400 feet below Shipherd Falls: Effective immediately until further notice, barbless hooks required for salmon and steelhead.

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.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 1, 2013:

WAC 232-28-61900H Exceptions to statewide rules—
Columbia River and tributaries. (13-86)

The following section of the Washington Administrative Code is repealed effective October 1, 2013:

WAC 232-28-61900U Exceptions to statewide rules—
Columbia River and tributaries.

WSR 13-16-058

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 13-178—Filed August 1, 2013, 2:39 p.m., effective August 1, 2013, 2:39 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule change is to correct errors in special permit hunts that are used to address agricultural damage by deer and elk as well as population control. This is a matter of safety as well as economic public welfare for impacted Washington citizens.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-359 and 232-28-360.

Statutory Authority for Adoption: RCW 77.12.047, 77.12.150.

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 department will address these corrections as a permanent rule change during the regularly scheduled 2014 rule development process, but the changes are needed immediately to address agricultural damage for the remainder of 2013.

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 2, 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 1, 2013.

Philip Anderson
Director

NEW SECTION

WAC 232-28-35900D 2013 Deer special permits Notwithstanding the provisions of WAC 232-28-359:

1) Under the Master Hunter category title, please add the following language:

Any legal weapon may be used while hunting the following hunts unless otherwise specified or required by the Hunt Coordinator. Only one animal may be taken under this special permit opportunity. For those special permit hunts allowing the purchase of a second deer tag, hunters can use either their first or second deer tag but are allowed to kill only one animal under the authorization of the special permit. If a hunter uses their general deer tag and kills and tags an animal under this special permit, the second tag may not be used for the general hunting season.

2) Under Master Hunter Deer Hunts, the special restrictions column in the table should read "2nd Tag Allowed" (not "2nd Tag Required").

NEW SECTION

WAC 232-28-36000E 2013 Elk special permits Notwithstanding the provisions of WAC 232-28-360:

1) Under the Master Hunter Category, the following changes should replace the text at the beginning of that category:

Any legal weapon may be used while hunting the following hunts unless otherwise specified or required by the Hunt Coordinator. Only one animal may be taken under this special permit opportunity. For those special permit hunts allowing the purchase of a second elk tag, hunters can use either their first elk or second elk tag but are allowed to kill only one animal under the authorization of the special permit. If a hunter uses their general elk tag and kills and tags an animal under this special permit, the second elk tag may not be used for the general elk hunting season.

2) Under Master Hunter Elk Hunts, the 5th column in the table should read "2nd Tag Allowed" (not "2nd Tag Required").

3) Under 65+ Senior category, the first Centralia Mine hunt date should be changed to Jan. 4-5, and the second Centralia Mine hunt should be changed to Jan. 11-12.

4) Under the Hunters with Disabilities category, first Centralia Mine hunt date should be changed to Oct. 5-6, and the second Centralia Mine hunt should be changed to Oct. 12-13.

WSR 13-16-062 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 13-172—Filed August 2, 2013, 9:05 a.m., effective August 3, 2013]

Effective Date of Rule: August 3, 2013.

Purpose: Amend recreational fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047 and 77.04.020.

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 2013 return of sockeye will be sufficient to provide for the Lake Wenatchee spawning escapement goal. This means that additional fish will be present to provide for sport fishing 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 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 2, 2013.

Philip Anderson
Director

NEW SECTION

WAC 232-28-61900R Exceptions to statewide rules—Lake Wenatchee. Notwithstanding the provisions of WAC 232-28-619, effective August 3, 2013, one hour before official sunrise, until further notice, a person may fish for salmon in Lake Wenatchee. Daily limit two sockeye, minimum size 12 inches in length. Selective gear rules and night

closure in effect for all species. Bull trout, steelhead, and Chinook salmon must be released unharmed without removing the fish from the water. All sockeye with a floy (anchor) tag attached and/or one or more round 1/4-inch diameter holes punched in the caudal (tail) fin must be released.

WSR 13-16-063
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 13-176—Filed August 2, 2013, 9:07 a.m., effective August 5, 2013]

Effective Date of Rule: August 5, 2013.

Purpose: Amend recreational fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900S; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047 and 77.04.020.

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 closure on a portion of the North Fork Stillaguamish River is needed to protect summer steelhead holding in the North Fork of the Stillaguamish River below the mouth of Deer Creek. The concern is that low flows and excessively warm water temperatures will result in high handling mortality of steelhead. 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 2, 2013.

Philip Anderson
Director

NEW SECTION

WAC 232-28-61900S Exceptions to statewide rules—North Fork Stillaguamish River. Notwithstanding the provisions of WAC 232-28-619, effective August 5 through September 30, 2013, it is unlawful to fish in waters of the North Fork Stillaguamish River from the Highway 530 bridge at

Cicero upstream to the bridge at Oso (Oso Loop Road/221st Ave. SE).

REPEALER

The following section of the Washington Administrative Code is repealed effective October 1, 2013:

WAC 232-28-61900S Exceptions to statewide rules—North Fork Stillaguamish River.

WSR 13-16-066
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 13-179—Filed August 2, 2013, 1:25 p.m., effective August 2, 2013, 1:25 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-07100A; and amending WAC 220-52-071.

Statutory Authority for Adoption: RCW 77.12.047 and 77.04.020.

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 amounts of sea cucumbers are available in sea cucumber districts listed. Harvest landings limits for sea cucumbers have been requested by the industry in an effort to conserve harvest quota and maximize market opportunities. 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 2, 2013.

Philip Anderson
Director

NEW SECTION

WAC 220-52-07100B Sea cucumbers Notwithstanding the provisions of WAC 220-52-071, effective immediately until further notice, it is unlawful to take or possess sea cucumbers taken for commercial purposes except as provided for in this section:

(1) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 1 on Monday, Tuesday and Wednesday of each week.

(2) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 5 on Monday through Friday of each week.

(3) The maximum cumulative landing of sea cucumbers for each weekly fishery opening period is 1,800 pounds per valid designated sea cucumber harvest license. It is permissible for all or any fraction of the maximum 1,800 pound total to be harvested during any legal harvest date within any legal harvest area so long as the cumulative total for the fishery week does not exceed the maximum.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-07100A Sea cucumbers. (13-167)

WSR 13-16-067
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 13-181 Filed August 2, 2013, 1:48 p.m., effective August 2, 2013, 1:48 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational fishing rules.

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

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

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 two chinook salmon beginning August 4. 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 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 2, 2013.

Philip Anderson
Director

NEW SECTION

WAC 232-28-62000Y Coastal salmon—Saltwater seasons and daily limits. Notwithstanding the provisions of WAC 232-28-620, effective immediately until further notice, it is unlawful to violate the provisions below. Unless otherwise amended, all permanent rules remain in effect:

(1) **Catch Record Card Area 1:** Immediately 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:** Immediately through August 3: Open seven days a week, daily limit of 2 salmon, of which not more than one may be a Chinook salmon; release wild coho. August 4 until further notice, open seven days a week: Daily limit of 2 salmon; release wild coho.

(3) **Catch Record Card Area 3:** Immediately through September 22: Daily limit of 2 salmon plus 2 additional pink salmon; release wild coho. September 28 through October 13: Daily limit of 2 salmon plus 2 additional pink salmon; release wild coho. Opening restricted to the area north of 47 degrees 50 minutes 00 seconds N. lat. and south of 48 degrees 00 minutes 00 seconds N lat.

(4) **Catch Record Card Area 4:** Immediately until further notice: Daily limit of 2 salmon plus 2 additional pink salmon; release wild coho salmon. Release Chinook salmon caught east of the Bonilla-Tatoosh line; and release chum salmon.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-62000W Coastal salmon—Saltwater seasons and daily limits. (13-153)

WSR 13-16-068
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 13-182—Filed August 2, 2013, 4:50 p.m., effective August 5, 2013, 12:01 a.m.]

Effective Date of Rule: August 5, 2013, 12:01 a.m.

Purpose: Amend recreational fishing rules.

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

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

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 encounters with legal size hatchery and wild (unmarked) chinook in Area 9 will exceed the preseason expectations. The chinook fishery is being closed to control impacts on stocks of concern and ensure compliance with conservation objectives and agreed-to management plans. Area 10 estimates indicate that encounters with legal size hatchery and wild (unmarked) chinook are projected to exceed the preseason expectations prior to the end of the season. The fishery is being modified to control impacts on stocks of concern and ensure compliance with conservation objectives and agreed-to management plans, and ensure the fishery will run through August 31, 2013.

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 2, 2013.

Philip Anderson
Director

NEW SECTION

WAC 232-28-62100W Puget Sound salmon—Saltwater seasons and daily limits. Notwithstanding the provisions of WAC 232-28-621, effective 12:01 a.m. August 5, 2013, until further notice, it is unlawful to violate the provisions below. Unless otherwise amended, all permanent rules remain in effect:

(1) **Catch Record Card Area 7:** Waters east of a line from Gooseberry Point to Sandy Point: Closed September 3 until further notice.

(2) **Catch Record Card Area 8-2:** Waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point: Open only

from Friday through 11:59 a.m. the following Monday of each week, effective immediately through September 2 and Saturday through Sunday from September 7 through September 22. Daily limit 2, plus 2 additional pink salmon. Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing. Same rules as remainder of Area 8-2 apply from September 23 through September 30.

(3) **Catch Record Card Area 9:** Effective immediately until further notice: All waters in Area 9, excluding Edmonds Fishing Pier: Release all Chinook.

(4) **Catch Record Card Area 9:** Effective immediately through August 31: Closed south of a line from Foulweather Bluff to Olele Point, except it is permissible to fish from shore between the southern and the northern boundaries of Salsbury Point Park.

(5) **Catch Record Card Area 10:** Effective immediately until further notice, waters of Elliott Bay east of a line from West Point to Alki Point: Closed, except waters north of a line from Jack Block Park through the north end of Harbor Island to shore northeast of the North Waterway (47°35.47'N, 122°20.58'W), open August 16 through August 31, Friday through Sunday only of each week. Daily limit 2 salmon, plus 2 additional pink salmon. Release Chinook and chum. Bait prohibited. Hooks must measure 1/2" or less from point to shank.

(6) **Catch Record Card Area 10:** Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge in Bremerton, south of a line true west from Battle Point, and west of a line drawn true south from Point White: Effective immediately until further notice, daily limit of 3 salmon plus 1 additional pink salmon. Release wild Chinook. Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.

(7) **Catch Record Card Area 10:** Effective immediately until further notice: All waters in Area 10, excluding Elliot Bay, Sinclair Inlet and year-round fishing piers, Elliot Bay Fishing Pier at Terminal 86, Seacrest Pier, Waterman Pier, Bremerton Boardwalk and Illahee State Park Pier: No more than 1 Chinook may be retained. Release wild Chinook.

(8) **Catch Record Card Area 12:** Waters north of a line true east from Broad Spit: Open August 16 through September 15; daily limit 4 coho salmon only.

(9) **Catch Record Card Area 13:** Effective immediately until further notice: Daily limit of 2 salmon plus 2 additional pink salmon. Release wild coho and wild Chinook.

(10) **Catch Record Card Area 13:** Fox Island Public Fishing Pier, effective immediately until further notice: 2 additional pink salmon may be retained as part of the daily limit.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 5, 2013:

WAC 232-28-62100V Puget Sound salmon—Saltwater seasons and daily limits. (13-162)

WSR 13-16-091
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 13-183—Filed August 6, 2013, 3:43 p.m., effective August 20, 2013]

Effective Date of Rule: August 20, 2013.

Purpose: To allow the public to kill gray wolves that are in the act of attacking domestic animals in areas of the state where wolves are not listed under the federal Endangered Species Act and where wolf population levels are stable and not likely to be impacted by lethal removal actions.

Citation of Existing Rules Affected by this Order: Amending WAC 232-36-051.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.240, and 77.36.120.

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 gray wolf population is expanding quickly in the state and there have been recent and escalating reports of wolf attacks on pets and livestock. The lambing and calving season has arrived and additional attacks are anticipated as livestock move onto open range. In addition, the number of people, pets and other domestic animals (pack animals) spending time outdoors will increase as the weather improves, raising the potential for encounters and attacks by wolves. Current regulations are limited to owners of commercial livestock and require them to obtain a permit from the department which is often not feasible in responding to an attack from a wolf. The department has initiated standard rule making.

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 6, 2013.

Philip Anderson
 Director

NEW SECTION

WAC 232-36-05100B Killing wildlife causing private property damage Notwithstanding the provisions of WAC 232-36-051:

(1) An owner of domestic animals (including livestock) the owner's immediate family member, the agent of an owner, or the owner's documented employee may kill one gray wolf (*Canis lupus*) without a permit issued by the director, regardless of its state classification, if the wolf is attacking the person's domestic animals.

(a) This section applies to the area of the state where the gray wolf is not listed as endangered or threatened under the federal endangered species act.

(b) Any wolf killed under this authority must be reported to the department within twenty-four hours.

(c) The wolf carcass must be surrendered to the department.

(d) The owner of the domestic animal must grant or assist the department in gaining access to the property where the wolf was killed for the purposes of data collection or incident investigation.

(2) If the department finds that a private citizen killed a gray wolf that was not attacking a domestic animal, or that the killing was not consistent with this rule, then that person may be prosecuted for unlawful taking of endangered wildlife under RCW 77.15.120.

(3) In addition to the provisions of (1), the director may authorize additional removals gray wolf under RCW 77.12.-240.

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

WSR 13-16-097
RECISSION OF EMERGENCY RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed August 7, 2013, 10:31 a.m.]

Please rescind emergency rule change WSR 13-16-052 filed August 1, 2013. The emergency change as filed indicated a statutory requirement no longer valid. The professional educator standards board will refile the appropriate CR-103E.

David Brenna
 Senior Policy Analyst

WSR 13-16-100
EMERGENCY RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed August 7, 2013, 10:58 a.m., effective August 30, 2013]

Effective Date of Rule: August 30, 2013.

Purpose: Amends WAC 181-79A-130 and 181-79A-131 permitting certification fees to be paid through the new electronic certification system.

Citation of Existing Rules Affected by this Order: Amending WAC 181-79A-130 and 181-79A-131.

Statutory Authority for Adoption: Chapter 28A.410 RCW.

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 2011 legislature provided funding and authority for the superintendent of public instruction to advance an electronic certifications system, including collecting fees. The professional educator standards board (PESB) collects certain fees related to licensure through an agreement with the colleges of education. PESB is permitted to use the new e-cert system to collect fees. The new system begins operating on September 1, 2013. A permanent rule change will have public hearing on September 20, 2013. The emergency rule permits fees to be collected before the permanent rule change goes into effect.

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 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 2, Repealed 0.

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, 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, 2013.

August 7, 2013

David Brenna

Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 08-12-055, filed 6/2/08, effective 7/3/08)

WAC 181-79A-130 Fee for certification. (1) In accordance with provisions of RCW 28A.410.060 and 28A.415-010, the fee for certificates which are valid for more than one year, issued by authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be as follows:

(a) The first issue of the residency certificate, five dollars for each year of validity;

(b) The continuing certificate, seventy dollars;

(c) The reinstatement, additional endorsement on the teaching certificate, duplicate certificates, substitute certificates, and certificates issued for the purpose of showing a name change, fifteen dollars;

(d) The first peoples' language, culture, and oral tribal traditions teacher certificate, twenty-five dollars; and

(e) Any other certificate or credential or any renewal thereof, five dollars for each year of validity:

~~((f))~~ (i) Provided, That the fee for all career and technical education certificates shall be one dollar:

~~((g))~~ (ii) Provided, That a one-time late fee for a renewed initial or continuing certificate issued under the provisions of WAC 181-79A-123 (7), (8), or (9) for those whose initial certificate had already expired shall be one hundred dollars.

(2) The fee for any other certificate/credential, or for any renewal thereof, issued by the authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be five dollars.

(3) Officials authorized to collect certification fees are educational service district superintendents, ~~((local school district superintendents,))~~ deans and directors of education at colleges and universities, or their designees. Sovereign tribal governments may collect certification fees for first peoples' language, culture, and oral tribal traditions certificates. The fee must accompany the application for a certificate and shall be transmitted by the receiving district, college or university, sovereign tribal government or program unit designee at least quarterly to the educational service district within which the application is filed for disposition in accordance with provisions of RCW 28A.410.060 or to the office of the superintendent of public instruction.

(4) Beginning September 1, 2013, the office of the superintendent of public instruction may collect certification fees.

(5) The fee shall not be refunded unless the application is withdrawn before it is finally considered (i.e., the issuance of a certificate or a written communication denying such issuance) by the superintendent of public instruction or his or her designee. Fees not refunded shall apply as credit toward certificate fees if such applicant reapplies within twenty-four months of the date of denial. Moneys accrued from certification fees ~~((within the boundaries of an educational service district))~~ shall be divided in the following manner:

(a) ~~((Local school districts employing more than one hundred teachers and other professional staff and collecting certification fees may retain one dollar of each fee in order to hold a professional training institute. If such district does not hold an institute, all such moneys shall be placed to the credit of the educational service district.~~

~~((b))~~ No less than fifty percent of the funds accruing within the boundaries of an educational service district shall be used to support program activities related to statewide pre-certification professional preparation and evaluation.

~~((c))~~ (b) The remaining funds shall be used to support professional in-service training programs, program evaluation and/or provision of certification services by educational service districts.

~~((d))~~ Use of certification fees described in this section shall be reported annually to the professional educator standards board pursuant to WAC 181-79A-131(6-)).

AMENDATORY SECTION (Amending WSR 08-12-055, filed 6/2/08, effective 7/3/08)

WAC 181-79A-131 Use of fee for certification. (1)

Certification fees will be used solely for precertification preparation, program evaluation, professional in-service training programs, and/or provision of certification services by educational service districts in accordance with this chapter.

(2) Precertification preparation:

(a) The primary utilization shall be to support collaborative efforts essential to program development, program evaluation, and assessment of candidates' entry and exit competency.

(b) Funds set aside for precertification shall not supplant funds already available to any participating agency.

(c) ~~Until September 1, 2013, a~~ single educational service district ~~((shall))~~ may be designated to administer the funds allocated for precertification programs. The designated educational service district shall be permitted to retain a percentage of the precertification fees at a rate to be negotiated by the superintendent of public instruction and the educational service district for costs related to administering these funds. After September 1, 2013, the office of the superintendent of public instruction may be designated to administer the funds allocated for precertification purposes per RCW 28A.410.-200(7).

(d) Each quarter, for any fees collected, every educational service district shall forward the moneys designated for precertification programs to the educational service district designated to administer such programs.

(3) Professional in-service training programs and teachers' institutes and/or workshops:

~~(a) ((Each educational service district, or cooperative thereof as specified in (d) of this subsection, shall establish an in-service committee composed of an educational service district representative; at least one district superintendent; one principal; one educational staff associate; one elementary; one junior high and one senior high teacher; one representative from the elementary or secondary level of private schools within the educational service district; and one representative selected by the chief administrative officer responsible for professional education from a college/university having a professional educator standards board approved teacher education program. Teacher representatives shall be selected by agreement among the presidents of the local education associations within the respective educational service district or cooperative thereof.~~

~~(b) The educational service district representative shall serve as chairperson of the in-service committee and provide liaison with the superintendent of public instruction and the professional educator standards board.~~

~~(c) The in-service committee will be responsible for coordinating in-service/staff development model programs within the educational service district and shall submit to the superintendent of public instruction and the professional educator standards board a plan for soliciting and selecting model programs which shall include procedures for conducting needs assessments, determining priorities and carrying out program evaluation.~~

~~((d))~~ Beginning with the state fiscal year 2015, the professional educator standards board shall biennially issue a request for proposal to eligible in-service education agencies per WAC 181-85-045 to submit applications for funds for the purpose of offering in-service continuing education provided per reporting requirements published by the board.

~~(b)~~ Cooperative agreements may be made among educational service districts to provide quality in-service education programs.

~~((e))~~ ~~(c)~~ Funds designated for in-service programs shall not supplant funds already available for such programs.

(4) Provision of certification services:

(a) The primary utilization shall be to support costs associated with operating educational service district certification offices to provide direct service to educators related to certification.

(b) Funds set aside for the provision of certification services shall not supplant funds already available to any educational service district until such time as educational service districts are no longer receiving certificate fees.

(5) Allowable expenditures. Funds may be used to support costs related to training, such as the payment of professional contractual services, per diem, travel costs, materials, printing, or released time. Nonallowable costs are college/university tuition and fees.

~~((6) Annual reporting. No later than July 1, the superintendent of public instruction shall prepare and present to the professional educator standards board an annual report concerning the use of certification fees for the previous fiscal year. The report shall include proposed budgets and a description of activities, in accordance with this chapter, for the upcoming fiscal year. Budgets and activities must be approved by the professional educator standards board on an annual basis.))~~