WSR 26-17-006
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 26-141—Filed August 5, 2026, 4:54 p.m., effective August 7, 2026]

Effective Date of Rule: August 7, 2026.

Purpose: This emergency rule reduces the Chinook portion of the salmon daily limit in Catch Record Card Area 6.

Citation of Rules Affected by this Order: Amending WAC 220-313-060.

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

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

Reasons for this Finding: This emergency rule is necessary to reduce the Chinook portion of the salmon daily limit. Washington department of fish and wildlife, in consultation with Puget Sound sport fishing advisors, has determined this reduction in bag limit for hatchery Chinook is necessary in an effort to avoid an early closure of the Chinook retention season. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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 5, 2026.

Kelly Susewind
Director

NEW SECTION

WAC 220-313-06000T Puget Sound salmon—Saltwater seasons and daily limits. Effective August 7 through August 15, 2026, the following provisions of WAC 220-313-060 regarding salmon seasons for the Chinook Selective Fishery area in Marine Area 6 shall be modified as described in this section. All other provisions of WAC 220-313-060 not addressed in this section, or unless otherwise amended by emergency rule, remain in effect:

Catch Record Card Area 6 waters west of a true north/south line through the #2 Buoy immediately east of Ediz Hook, except waters of

Freshwater Bay south of a line from Angeles Point to Observatory Point (Bachelor Rock):

Salmon daily limit 2 including no more than 1 Chinook. Release chum, sockeye, wild coho, and wild Chinook.

WSR 26-17-007
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 26-142—Filed August 5, 2026, 4:58 p.m., effective August 6, 2026]

Effective Date of Rule: August 6, 2026.

Purpose: This emergency rule modifies weekly landing limits for the coastal commercial salmon summer troll season.

Citation of Rules Affected by this Order: Repealing WAC 220-354-30000C; and amending WAC 220-354-300.

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

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

Reasons for this Finding: A harvestable quota of salmon is available for the troll fleet. Catches were below expectation in the previous week and sufficient quota remains to increase weekly vessel limits for Chinook and coho. This regulation is necessary to both meet conservation limits and to provide fishing opportunity and its corresponding economic benefit. These rules are adopted at the recommendation of the Pacific Fisheries Management Council, in accordance with preseason fishing plans, and have been adopted for federal waters by the National Oceanic and Atmospheric Administration. 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 the 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 5, 2026.

Kelly Susewind
Director

NEW SECTION

WAC 220-354-30000D Coastal salmon troll seasons—Commercial. Notwithstanding the provisions of WAC 220-354-300, WAC 220-353-050, and WAC 220-354-010, August 6 through September 30, 2026, 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 and under conditions provided in this section:

(1) Salmon Management and Catch Reporting areas 1, 2, 3, and that portion of Area 4 west of 125°05'00"W longitude and south of 48°23'00"N latitude open: August 6 through September 30, 2026.

(2) Grays Harbor Control Zone, defined by a line drawn from the Westport Lighthouse (46°53′18″N. lat., 124°07′01″W. long.); thence to Buoy #2 (46°52′42″N. lat., 124°12′42″W. long.); thence to Buoy #3 (46°55′00″N. lat., 124°14′48″W. long.); thence to the Grays Harbor north jetty (46°55′36″N. lat., 124°10′51″W. long.), open: August 6 through September 30, 2026.

(3) Landing and possession limit of 50 Chinook and 100 marked coho per vessel per landing week, defined as Thursday through Wednesday

(4) The Cape Flattery and Columbia River Control Zones are closed. The Salmon Troll Yelloweye Rockfish Conservation Area is closed.

(5) All retained coho must be marked with a healed adipose fin clip.

(6) No chum retention north of Cape Alava, WA in August and September.

(7) Minimum size for Chinook salmon is 27 inches in length (20 1/2 inches frozen dressed). Minimum size for coho salmon is 16 inches in length (12 inches frozen dressed). No minimum size for pink, sockeye or chum salmon.

(8) 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.

(9) 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, 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.

(10) During any single trip, only one side of the Leadbetter Point line (46°38'10"N. lat.) may be fished.

(11) Vessels fishing or in possession of salmon while fishing south of Leadbetter Point must land and deliver all species of fish within the area south of Leadbetter Point, except Washington permitted vessels may also land all species of fish north of Leadbetter Point.

(a) For delivery to Washington ports north of Leadbetter Point, vessels must notify WDFW at 360-249-1215 or by email at Danielle.Williams@dfw.wa.gov prior to crossing the Leadbetter Point line with area fished, total Chinook, coho, and halibut catch aboard, and destination with approximate time of delivery.

(b) Vessels in possession of salmon south of Leadbetter Point who are returning to port north of Leadbetter Point must offload all fish from the vessel prior to beginning a new fishing trip.

(c) Vessels may not land fish east of Tongue Point, Oregon or east of the Sekiu River.

(12) Vessels fishing or in possession of salmon north of Leadbetter Point must land and deliver all species of fish in a Washington port and must possess a Washington troll and/or salmon delivery license.

(a) For delivery to Washington ports south of Leadbetter Point, vessels must notify WDFW at 360-249-1215 or by email at Danielle.Williams@dfw.wa.gov prior to crossing the Leadbetter Point line with area fished, total Chinook, coho and halibut catch aboard, and destination with approximate time of delivery.

(b) Vessels in possession of salmon south of the Queets River may not cross the Queets River line (47°31'42"N. lat.) without first notifying WDFW at 360-249-1215 or by email at Danielle.Williams@dfw.wa.gov with area fished, total Chinook, coho, and halibut catch aboard and destination.

(c) Vessels in possession of salmon north of the Queets River may not cross the Queets River line without first notifying WDFW at 360-249-1215 or by email at Danielle.Williams@dfw.wa.gov with area fished, total Chinook and halibut catch aboard and destination.

(d) Vessels may not land fish east of Tongue Point, Oregon or east of the Sekiu River.

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 Washington Administrative Code is repealed, effective August 6, 2026:

WAC 220-354-30000C	Coastal salmon troll seasons—Commercial. (26-137)

WSR 26-17-009
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 26-127—Filed August 5, 2026, 5:01 p.m., effective August 8, 2026]

Effective Date of Rule: August 8, 2026.

Purpose: This emergency rule opens halibut seasons in Marine Areas 1 through 10.

Citation of Rules Affected by this Order: Amending WAC 220-314-030.

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

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

Reasons for this Finding: This emergency rule revises state rules to conform to federal regulations. Sufficient quota remains to provide these openings. Halibut catch will be closely monitored by Washington department of fish and wildlife staff; seasons may close earlier if quotas are achieved. Halibut seasons are open only by emergency rule (see WAC 220-314-040(1)). 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 the 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 5, 2026.

Kelly Susewind
Director

NEW SECTION

WAC 220-314-03000C Halibut—Seasons—Daily and possession limits. Notwithstanding the provisions of WAC 220-314-030, and 220-314-010, effective August 8 through September 30, 2026, it is unlawful to fish for or possess halibut taken for personal use, except as provided in this section. All other provisions of WAC 220-314-030, and WAC 220-314-010, including Yelloweye Rockfish Conservation Areas (YRCA), not addressed in this section, remain in effect unless otherwise amended by emergency rule:

(1) **Marine Area 1 All Depth Fishery:**

Halibut open daily from August 8 through September 30, 2026.

(2) **Marine Area 2 All Depth Fishery:**

Halibut open daily from August 8 through September 30, 2026.

(3) **Marine Area 3 and Marine Area 4:**

(a) Halibut open daily from August 16 through September 30, 2026.

(b) Anglers may fish for, retain, and possess sablefish in Marine Area 4 east of the Bonilla-Tatoosh line, seaward of the 120-foot bottomfish closure described by WAC 220-314-010 (2)(a) on days the halibut fishery is open in Marine Area 4.

(4) **Marine Areas 5 through 10:**

(a) Halibut open August 16 through September 30, 2026.

(b) Anglers may fish for, retain, and possess sablefish in Marine Area 5 seaward of the 120-foot bottomfish closure described by WAC 220-314-010 (2)(a) on days the halibut fishery is open in Marine Area 5.

(5) **Marine Areas 11, 12 and 13:** Halibut closed.

(6) The annual limit is six halibut taken from state or offshore waters. This does not include Canadian waters; see WAC 220-310-210 for limits on Canadian-origin halibut.

(7) Anglers may clean and portion halibut in the field but must retain the fish carcass until coming ashore.

(8) A violation of this section is punishable under RCW 77.15.370 or RCW 77.15.380.

WSR 26-17-014
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 26-140—Filed August 6, 2026, 11:32 a.m., effective August 6, 2026, 11:32 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose:

WAC 220-340-52000Y:

(1) Opens Subregion 1C and Subarea 23A-E to commercial spot shrimp clean-up fisheries effective immediately.

(2) Implements hard closure dates for all open spot shrimp areas.

WAC 220-340-52500F:

(1) Opens that portion of Marine Fish-Shellfish (MFSF) Catch Area 20A in Subregion 1C to commercial nonspot shrimp clean-up fisheries for Puget Sound shrimp pot license holders effective immediately.

(2) Closes the portion of MFSF Catch Areas 22A and 21A in Subregion 1B to commercial nonspot harvest by Puget Sound nonspot shrimp pot license holders effective immediately.

(3) Implements hard closure dates for all open nonspot shrimp areas.

WAC 220-340-53000W:

(1) Updates dates for Puget Sound shrimp beam trawl harvest areas.

(2) Implements hard closure dates for all open nonspot shrimp beam trawl areas.

Citation of Rules Affected by this Order: Repealing WAC 220-340-52000X, 220-340-52500E, and 220-340-53000V; and amending WAC 220-340-520, 220-340-525, and 220-340-530.

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

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

Reasons for this Finding: This emergency rule is necessary to implement commercial clean-up fisheries accommodated in fish and wildlife commission policy C-3610. This rule is also necessary to stay within the agreed-to quotas and seasons for spot and nonspot harvest in Regions 1, 2W, 3, and 5. Permanent rules regulating state commercial shrimp harvest in the Puget Sound and Strait of Juan de Fuca require adoption of harvest seasons contained in this emergency rule. 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 the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 3, 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: August 6, 2026.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-52000Y Commercial spot shrimp pot fishery—Puget Sound. Notwithstanding the provisions of WAC 220-340-520, effective immediately, until further notice, it is unlawful to fish for spot shrimp for commercial purposes using pot gear in Puget Sound except as provided for in this section:

Spot shrimp pot harvest seasons and accounting periods:

(a) Spot shrimp harvest open periods:

Geographical Management Unit (WAC 220-320-140; WAC 220-320-120)	Open Period
Subregion 1A	Closed.
Subregion 1B	Closed.
Subregion 1C	Open immediately, through September 15, 2026.
Region 2E	Closed.
Region 2W	Closed.
Subarea 23A-E	Open immediately, through September 15, 2026.
Subarea 23A-W	Open immediately, through September 15, 2026.
Subarea 23A-C and Marine Fish-Shellfish (MFSF) Catch Area 23B	Open immediately, through September 15, 2026.
Subarea 23A-S and MFSF Catch Area 23D	Open immediately, through September 15, 2026.
MFSF Catch Area 23C	Open immediately, through September 15, 2026.
MFSF Catch Area 25A, excluding the Discovery Bay Shrimp District	Closed.
Discovery Bay Shrimp District	Closed.
MFSF Catch Area 29 (Straits - Neah Bay)	Open immediately, through September 15, 2026.
Subarea 26B-1 and MFSF Catch Area 26C	Closed.
Subarea 26B-2	Closed.
Region 5	Open immediately, through August 31, 2026.
MFSF Catch Area 26D	Closed.
MFSF Catch Areas 28A, 28B, 28C, and 28D	Closed.

(b) The first spot shrimp catch accounting period:

(i) Runs from one hour before official sunrise May 1, through one hour after official sunset August 30, 2026.

(ii) It is unlawful for the combined total harvest during the first spot shrimp accounting period to have exceeded 5,200 pounds of spot shrimp per license from all Geographical Management Units combined, except for MFSF Catch Area 29. Catch from MFSF Catch Area 29 does not contribute towards a license's catch accounting period harvest limit.

(c) Spot shrimp harvested from different geographical management units (as noted in subsection (a)) on the same day must be kept physically separate and labeled with the MFSF Catch Area of harvest.

(d) It is lawful to possess deactivated non-spot shrimp pots onboard a commercial vessel that is listed on a Puget Sound shrimp pot license while fishing for spot shrimp. A deactivated pot is un-baited, has the drawstring or door fastened open, and/or is unable to be readily fished.

NEW SECTION

WAC 220-340-52500F Commercial nonspot shrimp pot fishery—Puget Sound. Notwithstanding the provisions of WAC 220-340-520, effective immediately, until further notice, it is unlawful to fish for nonspot shrimp for commercial purposes using pot gear in Puget Sound except as provided for in this section:

(1) All buoys fished on a single vessel must be marked with the unique numeric buoy brand issued to them by the department and prefaced by fishery specific designation:

(a) Buoy brands on buoys attached to nonspot shrimp gear deployed by Puget Sound shrimp pot license holders or operators must be prefaced with an "N" (i.e. "N-0000").

(b) Buoy brands on buoys attached to nonspot shrimp gear deployed by Puget Sound nonspot shrimp pot license holders or operators must be prefaced with an "M" (i.e. "M-0000").

(2) Nonspot shrimp pot harvest seasons and accounting periods:

(a) Nonspot shrimp harvest pot open periods and areas for Puget Sound Shrimp Pot license holders and operators:

Geographical Management Unit (WAC 220-320-140; WAC 220-320-120)	Open Period
Subregion 1A	Closed.
Subregion 1B	Closed.
Subregion 1C/MFSF Catch Area 20A	Open immediately, through October 15, 2026
Region 2E	Closed.
Region 2W	Open immediately, through October 15, 2026.
Region 3, not including Discovery Bay Shrimp District	Open immediately, through October 15, 2026.
Discovery Bay Shrimp District	Open immediately, through October 15, 2026.
Region 4	Closed.
Region 5	Closed.
Region 6	Closed.

(i) Nonspot shrimp catch accounting periods:

Period Number	Start Date	End Date
1	5/1/2026	5/12/2026
2	5/13/2026	5/26/2026
3	5/27/2026	6/9/2026
4	6/10/2026	6/23/2026
5	6/24/2026	7/7/2026
6	7/8/2026	7/21/2026
7	7/22/2026	8/4/2026
8	8/5/2026	8/18/2026

Period Number	Start Date	End Date
9	8/19/2026	9/1/2026
10	9/2/2026	9/15/2026
11	9/16/2026	9/29/2026
12	09/30/2026	10/15/2026

(ii) The nonspot shrimp catch accounting periods begin one hour before official sunrise and end one hour after official sunset on the date listed.

(iii) It is unlawful for Puget Sound Shrimp Pot license holders or operators total harvest of nonspot shrimp to exceed 1,400 pounds per non-spot shrimp catch accounting period from subregions 1B, 1C, and Region 2E combined during catch accounting periods 1 through 12.

(iv) There is no weekly harvest limit of non-spot shrimp from Subregion 1A, Region 2W, Region 3, or the Discovery Bay Shrimp District.

(b) Nonspot shrimp harvest multigear open periods for Puget Sound Nonspot Shrimp Pot license holders:

Geographical Management Unit (WAC 220-301-040; WAC 220-320-140(3); WAC 220-320-120)	Open Period
The portion of MFSF Catch Areas 22A and 21A in Subregion 1B.	Closed, effective immediately.
The portion of MFSF Catch Area 20B within Subregion 1B	Open immediately, through October 15, 2026.
The portion of MFSF Catch Area 20A within Subregion 1C	Open immediately, through October 15, 2026.
Subarea 23A East, MFSF Catch Areas 23B, and MFSF Catch Area 25A outside of the Discovery Bay Shrimp District.	Open immediately, through October 15, 2026.
Subarea 23A West	Open immediately, through October 15, 2026.
MFSF Catch Area 23C	Open immediately, through October 15, 2026.
MFSF Catch Area 29	Open immediately, through October 15, 2026.

(i) The first nonspot shrimp multigear catch accounting period:

(A) Runs from one hour before official sunrise May 1, through one hour after official sunset September 30, 2026.

(B) It is unlawful for the combined total harvest of a Puget Sound Nonspot Shrimp Pot license holders or operators during the first nonspot shrimp multigear catch accounting period to have exceeded 9,960 pounds of nonpink shrimp (*Pandalus danae, P. hypsinotus, P. goniurus,* and *P. dispar*) per license from all Geographical Management Units within Region 1 combined.

(ii) Nonspot shrimp harvest by Puget Sound Nonspot Shrimp Pot license holders in Region 3 is limited to pink shrimp (*P. jordani* and *P. eous borealis*). Other species of the nonspot species complex may not be retained in Region 3.

(c) Nonspot shrimp harvest for Puget Sound Nonspot Shrimp Pot license and Puget Sound Shrimp Pot license holders is permitted during the open period starting one hour before official sunrise on the first day of the open period. Closures take effect one hour after official sunset on the closing day.

(d) Nonspot shrimp harvested from different geographical management units on the same day must be kept physically separate and labeled with the MFSF Catch Area they were harvested from.

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.

NEW SECTION

WAC 220-340-53000W Commercial shrimp trawl fishery—Puget Sound. Notwithstanding the provisions of WAC 220-340-530, effective immediately, until further notice,it is unlawful to fish for shrimp for commercial purposes using beam trawl gear in Puget Sound except as described in this section:

Nonspot shrimp trawl harvest seasons:

(a) Nonspot shrimp beam trawl harvest is permitted starting one hour before official sunrise on the hard season opening dates listed for each of the areas detailed below. Any closures take effect one hour after official sunset on the closing day.

Geographic Area Description (WAC 220-301-040; WAC 220-320-140(3); WAC 220-320-120)	**Open period**
Catch Area 20A outside of those waters north and east of a line from Point Roberts Light (48.9716°, -123.0838°) to Sandy Point Light at the Lummi Reservation (48.7868°, -122.7124°)	Open immediately, through October 15, 2026.
Those waters within the Lummi-Sinclair Triangle.	Open immediately, through October 15, 2026.
Those waters of South Lopez Sound.	Open immediately, through October 15, 2026.
All waters within subregion 1B, excluding those waters of South Lopez Sound, the Lummi-Sinclair Triangle.	Open immediately, through October 15, 2026.
Subarea 23A East, MFSF Catch Areas 23B, and MFSF Catch Area 25A outside of the Discovery Bay Shrimp District.	Open immediately, through September 30, 2026.
Subarea 23A West	Open immediately, through September 30, 2026.
MFSF Catch Area 23C	Open immediately, through September 30, 2026.
MFSF Catch Area 29	Open immediately, through September 30, 2026.

(b) Areas closed to nonspot shrimp beam trawl harvest:

Geographic Area Description (WAC 220-320-140(3); WAC 220-320-120)
Discovery Bay Shrimp District
Sequim Bay CSMA
MFSF Catch Area 23D
Subregion 1A

(c) The first nonspot shrimp multigear catch accounting period:

(i) Runs from one hour before official sunrise May 1, through one hour after official sunset September 30, 2026.

(ii) It is unlawful for the combined total harvest of a Puget Sound Nonspot Shrimp Trawl license holders or operators during the first nonspot shrimp multigear catch accounting period to have exceeded 29,880 pounds of nonpink shrimp (*Pandalus danae, P. hypsinotus, P. goniurus,* and *P. dispar*) per license from all Geographical Management Units within Region 1 combined.

REPEALER

The following sections of Washington Administrative Code are repealed, effective immediately:

WAC 220-340-52000X Commercial spot shrimp pot fishery—Puget Sound. (26-135)

WAC 220-340-52500E	Commercial nonspot shrimp pot fishery—Puget Sound. (26-129)
WAC 220-340-53000V	Commercial shrimp trawl fishery—Puget Sound. (26-115)

WSR 26-17-017
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 26-139—Filed August 6, 2026, 4:13 p.m., effective August 18, 2026]

Effective Date of Rule: August 18, 2026.

Purpose: This emergency rule opens Chinook salmon retention in areas of the Snake River.

Citation of Rules Affected by this Order: Amending WAC 220-312-050.

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

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

Reasons for this Finding: The 2026 Columbia River forecasted return of upriver bright Chinook salmon, includes a significant portion returning to the Snake River and are high enough to allow harvest opportunities. The department of fish and wildlife will monitor fall Chinook returns throughout the season and may close the fishery at any time due to harvest levels, Endangered Species Act impacts, or in-season run adjustments.

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 the 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, 2026.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-05000V Freshwater exceptions to statewide rules—Eastside. Effective August 18 through October 31, 2026, the following provisions of WAC 220-312-050, regarding salmon seasons in the Snake River shall be open as described in this section. All other provisions of WAC 220-312-050 remain in effect unless modified by emergency rule:

(1) Lyons Ferry Bubble Fishery: From the red river marker (Marker 28) on the south shore of the Snake River upstream to the Highway 261 bridge (~1.4 miles):

(a) Salmon - Open September 3 through October 25, 2026:

(b) Open Thursday through Sunday each week:

(c) Daily limit two adult Chinook including no more than one wild adult Chinook. No daily limit for jack Chinook (wild or hatchery). Minimum size 12 inches. Release all salmon other than Chinook. Barbless hooks required.

(2) From the downstream edge of the large power lines crossing the Snake River just upstream of West Evans Road on the south shore (approximately three miles downstream of Clarkston), upstream to the Washington/Idaho state line (top of Catch Record Card area 648)

(a) Salmon - open August 18 through October 15, 2026:

(b) Open daily.

(c) Daily limit three adult Chinook including no more than one wild adult Chinook. No limit for jack Chinook (wild or hatchery). Minimum size 12 inches. Release all salmon other than Chinook. Barbless hooks required.

(3) From the Washington/Idaho state line to the Oregon state line (Catch Record Card area 650):

(a) August 18 through October 31, 2026:

(b) Open daily.

(c) Daily limit three adult Chinook including no more than one wild adult Chinook. No limit for jack Chinook (wild or hatchery). Minimum size 12 inches. Release all salmon other than Chinook. Barbless hooks required.

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.

WSR 26-17-018
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 26-143—Filed August 6, 2026, 4:14 p.m., effective August 6, 2026, 4:14 p.m.]

Effective Date of Rule: Immediately upon filing.

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

Citation of Rules Affected by this Order: Repealing WAC 220-359-02000N; and amending WAC 220-359-020.

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

Other Authority: *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2018-2027 *United States v. Oregon* Management Agreement (February 26, 2018) (Doc. No. 2607-1). *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: This rule sets Zone 6 fall season treaty commercial gillnet fisheries and maintains previously adopted treaty fisheries which allows for treaty commercial sales to nontreaty buyers in 2026. This rule is consistent with actions of the Columbia River Compact on July 22 and August 6, 2026. Conforms state rules with tribal rules. The general public welfare is protected with the immediate opening of nontreaty buyers purchasing fish from treaty fisheries. This harvest opportunity allows for tribal use and public access to the resource as well as the maintenance of sustainable fish populations. There is insufficient time to adopt permanent regulations.

The Yakama, Warm Springs, Umatilla, and Nez Perce Indian tribes have treaty fishing rights in the Columbia River and inherent sovereign authority to regulate their fisheries. Washington and Oregon also have some authority to regulate fishing by treaty Indians in the Columbia River, authority that the states exercise jointly under the congressionally ratified Columbia River Compact. *Sohappy v. Smith*, 302 F. Supp. 899 (D. Or. 1969). The tribes and the states adopt parallel regulations for treaty Indian fisheries under the supervision of the federal courts. A court order sets the current parameters. *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2018-2027 *United States v. Oregon* Management Agreement (February 26, 2018) (Doc. No. 2607-1). Some salmon and steelhead stocks in the Columbia River are listed as threatened or endangered under ESA. On February 23, 2018, 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 the fisheries as described in the 2018-2027 *U.S. v. Oregon* Management Agreement.

Columbia River fisheries are monitored very closely to ensure consistency with court orders and ESA guidelines. Because conditions change rapidly, the fisheries are managed almost exclusively by emergency rule. As required by court order, the Washington (WDFW) and Oregon (ODFW) departments of fish and wildlife convene public hearings and invite tribal participation when considering proposals for new emergency rules affecting treaty fishing rights. *Sohappy*, 302 F. Supp. at 912. WDFW and ODFW then adopt regulations reflecting agreements reached.

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

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

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

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

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

Date Adopted: August 6, 2026.

Kelly Susewind
Director

NEW SECTION

WAC 220-359-02000P Columbia River salmon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-359-010, WAC 220-359-020, WAC 220-359-030, and WAC 220-359-090, effective immediately through December 31, 2026, it is unlawful for a person to take or possess salmon, steelhead, sturgeon, shad, carp, catfish, walleye, bass, or yellow perch taken for commercial purposes in Columbia River Salmon Management and Catch Reporting Areas (SMRCA) 1E, 1F, 1G, and 1H. However, those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, steelhead, sturgeon, carp, catfish, walleye, bass, yellow perch, or northern pikeminnow under the provisions in this section:

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

(a) Season: 6:00 a.m. August 17 through 6:00 p.m. August 20
6:00 a.m. August 24 through 6:00 p.m. August 29
6:00 a.m. August 31 through 6:00 p.m. September 5

(b) Gear: Set and Drift Gillnets with an 8-inch minimum mesh size restriction.

(c) Allowable sale: Salmon (any species), steelhead, shad, yellow perch, bass, walleye, catfish and carp may be sold or retained for subsistence. Sturgeon may not be sold, but sturgeon from 38 to 54 inches fork length in the Bonneville Pool and sturgeon from 43 to 54 inches fork length in The Dalles and John Day Pools and may be kept for subsistence purposes.

(d) Standard river mouth and dam closed areas applicable to gillnet gear, the standard Spring Creek Hatchery sanctuary is in effect.

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

(a) Season: Immediately through 6:00 PM December 31, 2026.

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

(c) Allowable sale: Salmon (any species) and steelhead may be sold or kept for subsistence. Shad, yellow perch, bass, walleye, catfish and carp may also be sold or retained for subsistence. Sturgeon may not be sold, but sturgeon from 38 to 54 inches fork length in the Bonneville Pool and sturgeon from 43 to 54 inches fork length in The Dalles and John Day Pools and may be kept for subsistence purposes.

(d) Standard river mouth and dam sanctuary closures remain in place for this gear.

(3) Open Areas: Wind River, Drano Lake, and Klickitat River.

(a) Season: Immediately through 6:00 PM December 31, 2026, and only during those days and hours when the areas are open under lawfully enacted Yakama Nation tribal subsistence fishery regulations for enrolled Yakama Nation members.

(b) Gear: Hoop Nets/Bag Nets, Dip Nets, and Rod and reel with hook and Line. Gillnets may only be used in Drano Lake.

(c) Allowable sales: Salmon (any species), steelhead, shad, carp, catfish, walleye, bass, and yellow perch. Sturgeon from 38 to 54 inches fork length may be kept for subsistence.

(4) Open Areas: SMCRA 1E (area defined in tribal/state MOUs/MOAs)

(a) Season: Immediately through 11:59 PM October 31, 2026. Only during days and times opened under tribal rules.

(b) Gear: Hook and line and/or platform gear identified in tribal rules.

(c) Allowable sale: Salmon (any species), steelhead, shad, yellow perch, bass, walleye, catfish and carp may be sold or retained for subsistence. Sturgeon may not be retained in fisheries downstream of Bonneville Dam. Sales of fish are not authorized on COE property downstream of Bonneville Dam. Fish must be transported elsewhere for sale.

(5) Open Areas: SMCRA 1H (John Day Pool):

Railroad Island slough (45.72504, -120.69580) - only the slough side waters up from the railroad tracks.

Paterson Slough (45.70664, -120.46430) - only the slough side to the north of Hwy 14;

Sundale slough (45.72008, -120.31364) - only the slough side waters up from the railroad tracks;

Jones Canyon slough (45.71576, -121.24522) - only the slough south of the railroad tracks;

Willow Creek slough (45.79306, -120.01470) - only waters south of the eastbound lanes of I-84;

Alderdale slough (45.83741, -119.92876) - only waters north of Hwy 14;

Paterson Slough (45.92950, -119.55259) - waters inside the mouth of the slough, across from Irrigon & Umatilla fish hatcheries;

(a) Season: Immediately through 6:00 PM August 15, 2026.

(b) Gear: Gillnets only.

(c) Allowable sales: Yellow perch, bass, walleye, catfish, carp, northern pikeminnow and suckers may be sold. These species may be sold after the permit fishing period concludes. All other species including salmon, steelhead and sturgeon must be released. If any northern pike are handled, they must be killed and provided to tribal or state fishery programs

(d) These areas do not include any standard closed areas applicable to gillnet gear.

(6) Fish caught during the open period may be sold after the period concludes.

(7) 24-hour quick reporting is required for Washington wholesale dealers for all areas as provided in WAC 220-352-315, except that all landings from treaty fisheries described above must be reported within 24-hours of completing the fish ticket (not 24-hours after the period concludes).

Reviser's note: The spelling 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.

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 Administration Code is repealed:

WAC 220-359-02000N	Columbia River salmon seasons above Bonneville Dam. (26-131)

WSR 26-17-021
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 26-144—Filed August 7, 2026, 8:35 a.m., effective August 7, 2026, 8:35 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This emergency rule will 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 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 Rules Affected by this Order: Repealing WAC 220-358-03000V; and amending WAC 220-358-030.

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

Other Authority: *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2018-2027 *United States v. Oregon* Management Agreement (February 26, 2018) (Doc. No. 2607-1). *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: This rule sets nontreaty commercial tangle net fisheries for fall 2026 in the mainstem Columbia River and maintains previously adopted nontreaty mainstem and select area commercial fisheries. The mainstem tangle net fishery is consistent with the 2026 nontreaty fall fisheries plan that was developed in conjunction with the annual North of Falcon season setting process. These fisheries are consistent with the *U.S. v. Oregon* Management Agreement and the associated biological opinion. Conforms Washington state rules with Oregon state rules. Regulation is consistent with compact action of July 22 and August 6, 2026. This harvest opportunity allows for public access to the resource, as well as the maintenance of sustainable fish populations. 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 court order sets the current parameters. *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2018-2027 *United States v. Oregon* Management Agreement (February 26, 2018) (Doc. No. 2607-1). Some salmon and steelhead stocks in the Columbia River are listed as threatened or endangered under ESA. On February 23, 2018, 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 the fisheries as described in the 2018-2027 *U.S. v. Oregon* Management Agreement.

Some Columbia River Basin salmon and steelhead stocks are listed as threatened or endangered under ESA. 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, 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 1; Federal Rules or Standards: New 1, Amended 0, Repealed 1; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 1.

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

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

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

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

Date Adopted: August 7, 2026.

Kelly Susewind
Director

NEW SECTION

WAC 220-358-0300W Columbia River seasons below Bonneville. Notwithstanding the provisions of WAC 220-358-030, WAC 220-358-040, and WAC 220-335-050, effective immediately, through November 12, 2026, it is unlawful for a person to take or possess salmon, sturgeon, and shad for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, 1E and Select Areas, except during the times and conditions listed below:

(1) Mainstem Gillnet:

Open Dates	Open Days	Open Time	Open Duration
August 9 - August 10	Sunday (night)	9:00 pm - 6:00 am	9 hrs
August 11 - August 12	Tuesday (night)	9:00 pm - 6:00 am	9 hrs
August 13 - August 14	Thursday (night)	9:00 pm - 6:00 am	9 hrs
August 16 - August 17	Sunday (night)	9:00 pm - 6:00 am	9 hrs
August 18 - August 19	Tuesday (night)	9:00 pm - 6:00 am	9 hrs
August 20 - August 21	Thursday (night)	9:00 pm - 6:00 am	9 hrs
August 24 - August 25	Monday (night)	9:00 pm - 6:00 am	9 hrs
August 26 - August 27	Wednesday (night)	9:00 pm - 6:00 am	9 hrs

Open Dates	Open Days	Open Time	Open Duration
August 30 - August 31	Sunday (night)	9:00 pm - 6:00 am	9 hrs

(a) **Area:** Catch Reporting Areas 1E and 1D (Zones 4-5). The deadline at the lower end of Area 1E (Zone 4) 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. Sanctuaries: Washougal and Sandy River.

(b) **Gear:** Drift gillnets only. 9-inch minimum mesh size restriction. Multiple net rule NOT in effect, which means nets not authorized for this fishery may not be onboard. Lighted buoys required.

(c) **Allowable Sales:** Salmon (except Chum) and shad.

(2) Mainstem Tangle Net:

Open Dates	Open Days	Open Time	Open Duration
September 15 - September 17	Tuesday, Wednesday, Thursday	4:00 am - 10:00 pm	18 hrs
September 21 - October 29	Mondays, Tuesdays, Wednesdays, Thursdays	4:00 am - 10:00 pm	18 hrs
September 25 - October 30	Fridays	4:00 am - 6:00 pm	14 hrs

(a) **Area:** SMCRA 1A, 1B, and 1C. Upper deadline 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. Sanctuaries include Elokomin-A, Cowlitz River, Kalama-A and Lewis-A.

(b) **Gear:** Drift nets only. Maximum mesh size is 3.75 inches. Unslackened, single-wall, multi-filament floater nets only. Monofilament nets are not allowed. Net length not to exceed 150 fathoms. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25-fathom intervals must be in color contrast to the corks used in the remainder of the net. There are no restrictions on the hang ratio. The hang ratio is used to horizontally add slack to the net. The hang ratio is determined by the length of the web per length of the corkline. The use of slackers or stringers to slacken the net vertically is prohibited. Rip lines are allowed providing they do not vertically slacken the net.

(c) **Allowable Sales:** Salmon (except chum), and shad; coho must be adipose fin-clipped from September 21 through October 30, with a healed scar at the location of the clipped fin.

(d) **Regulations:** Regulations typically in place for live-capture commercial fisheries are in effect, including but not limited to: net length, use of recovery boxes, limited soak times, red corks, live-capture certification, etc.

(e) **Soak times,** defined as the time elapsed from when the first of the net web is deployed into the water until the web is fully retrieved from the water, must not exceed 30 minutes.

(f) **Recovery Box:** Each boat will be required to have on board two operable recovery boxes or one box with two chambers that meet the flow and size requirements standard for the winter/spring season. Each box and chamber and associated pump shall be operating during any time that the net is being retrieved or picked. All non-legal fish must be released immediately unharmed to the river or placed into an operating recovery box. All non-legal salmon and all steelhead that are bleeding, lethargic or appear lifeless must be placed in the recovery box prior to being released. All fish placed in recovery boxes must be released to the river prior to landing or docking.

(g) **Measuring mesh size:** Mesh size is determined by placing three consecutive meshes under hand tension and the measurement is taken from the inside of one knot to the inside of the opposite knot of the center mesh. Hand tension means sufficient linear tension to draw opposing knots of meshes into contact.

(h) **Live Capture workshop:** Only licensed Columbia River commercial fishers that have completed the required state-sponsored workshop concerning live capture commercial fishing techniques may participate in this fishery. At least one fisher on each boat must have live capture certification.

(i) **Multiple net rule:** Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(j) **Lighted Buoys:** Nets that are fished at any time between official sunset and official sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat. If the net is attached to the boat, then one lighted buoy on the opposite end of the net from the boat is required.

(k) **24-hour** quick reporting required is for Washington wholesale dealers, per WAC 220-352-315. Oregon buyers are required to electronically submit fish receiving tickets pursuant to OAR 635-006-0210. Electronic fish tickets must be submitted within 24 hours of closure of the fishing period, or within 24 hours of landing for fishing periods lasting longer than 24 hours.

(3) Emerging Commercial Fishery - Mainstem Seine:

Open Dates	Open Days	Open Time	Active Fishing Duration
Immediately - August 7	Monday - Friday	7:00 am - 7:00 pm	8 consecutive hrs
August 10 - August 14	Monday - Friday	7:00 am - 7:00 pm	8 consecutive hrs
August 17 - August 21	Monday - Friday	7:00 am - 7:00 pm	8 consecutive hrs
August 24 - August 28	Monday - Friday	7:00 am - 7:00 pm	8 consecutive hrs
August 31 - September 4	Monday - Friday	7:00 am - 7:00 pm	8 consecutive hrs
September 8 - September 11	Tuesday - Friday	7:00 am - 7:00 pm	8 consecutive hrs
September 14 - September 18	Monday - Friday	7:00 am - 7:00 pm	8 consecutive hrs
September 21 - September 25	Monday - Friday	7:00 am - 7:00 pm	8 consecutive hrs
September 28 - October 2	Monday - Friday	7:00 am - 7:00 pm	8 consecutive hrs
October 5 - October 9	Monday - Friday	7:00 am - 7:00 pm	8 consecutive hrs
October 12 - October 16	Monday - Friday	7:00 am - 7:00 pm	8 consecutive hrs

(a) **Area:** Catch Reporting Areas 1A, 1B, and 1C (Zones 1-3). The deadline at the upper end of Area 1C (Zone 3) 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. Sanctuaries: Elokomin-B, Cowlitz, Kalama-B, Lewis-B and Select Area commercial fishing sites.

(b) **Gear:** Beach seines or purse seines only. Only one seine net per primary vessel. Mesh size restricted to a 3.5-inch maximum (inside of knot to outside of knot using hand tension stretched measure). Net material to consist of 3-strand nylon; twine size ≥ #12. Seines may include a bunt of 1.0-2.0 inch knotless mesh. Net length not to exceed 200 fathoms (NOT including associated lead nets). Net depth not to exceed 200 meshes (approximately 50 feet). Seine and lead lines may not

be connected. Lead nets must be retrieved daily. No restrictions on corkline, leadline or use of stringers and slackers. A chafing strip panel consisting of non-monofilament webbing (such as nylon seine web or polyethylene trawl web) is allowed on bottom of net; maximum panel depth is 5-feet. Chafing mesh not to exceed 3.5-inch stretched measure for beach and 5-inch stretched measure for purse. There are no restrictions associated with hangings used to connect the net to the chafing panel or the net or chafing panel to the leadline or corkline. Red corks are required at 25-fathom intervals and red corks must be in contrast to the corks used in the remainder of the net. Lead net (optional for both gear types). Only one lead net is allowed per fishing operation. Lead nets may not exceed 100 fathoms in length. Lead nets may be constructed of 3-strand nylon webbing, twine size ≥ #12, ≤3.5-inch mesh size (inside of knot to outside of knot using hand tension stretched measure) OR nylon or cotton webbing with mesh size ≥ 14-inches. Lead nets may not be vertically slackened. Seine net and lead net may not be connected. Lead nets must be retrieved daily.

(c) **Allowable Possession and Sales:** Subject to IFQs as defined on individual permits. Except as noted below, allowable sales limited to adipose fin-clipped Chinook, adipose fin-clipped Coho, sockeye, and pink salmon and shad. All legal adult Chinook and legal adult Coho caught must be kept and sold. Adult salmon defined in WAC 220 300-010. Retained Chinook and Coho must have a healed scar at the location of the adipose-clipped fin.

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

(e) **Sort time not to exceed 75 minutes.**

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

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

(f) **Observer Program:** Agency observers must be present during all fishing operations.

(4) Emerging Commercial Fishery - Mainstem Pound Net:

Open Dates	Open Days	Open Time	Active Fishing Duration
Immediately - August 7	Monday - Friday	7:00 am - 7:00 pm	8 consecutive hrs
August 10 - August 14	Monday - Friday	7:00 am - 7:00 pm	8 consecutive hrs
August 17 - August 21	Monday - Friday	7:00 am - 7:00 pm	8 consecutive hrs
August 24 - August 28	Monday - Friday	7:00 am - 7:00 pm	8 consecutive hrs
August 31 - September 4	Monday - Friday	7:00 am - 7:00 pm	8 consecutive hrs
September 8 - September 11	Tuesday - Friday	7:00 am - 7:00 pm	8 consecutive hrs
September 14 - September 18	Monday - Friday	7:00 am - 7:00 pm	8 consecutive hrs
September 21 - September 25	Monday - Friday	7:00 am - 7:00 pm	8 consecutive hrs
September 28 - October 2	Monday - Friday	7:00 am - 7:00 pm	8 consecutive hrs
October 5 - October 9	Monday - Friday	7:00 am - 7:00 pm	8 consecutive hrs
October 12 - October 16	Monday - Friday	7:00 am - 7:00 pm	8 consecutive hrs

(a) **Area:** Catch Reporting Areas 1A and 1B (Zones 1-2).

(b) **Gear:** Pound Net: Lead and jigger netting may be no larger than 3 1/8-inch stretch mesh. The heart, spiller, tunnel, and live

well (sorting chamber) netting may be no larger than 2 1/2-inch stretch mesh. Pound net may have an optional apron of webbing no larger than 2 1/2 inch stretch mesh extending out flat along the river bottom from the bottom of all netting components. The apron may not exceed 3 feet in depth on the lead and jigger, and the apron may not exceed 6 feet in depth on the heart. Aprons must be anchored or weighed down in a manner sufficient to hold the apron to the river bottom. Optional marine mammal gates may be used to prevent marine mammals from entering the heart during active fishing. When not actively fishing for less than 24 hours, the following configuration must be put in place to allow fish free passage and to prevent unintended corralling of fish in heart compartment: The opening of the heart along the lead must remain open. All spillers (pots) and live wells must be moved (i.e., lifted, removed, etc.,) in a manner that creates an opening providing egress from the heart.

A midpoint panel of the lead or the panel nearest to the shore must be lifted or removed to provide free passage around the lead. If the shore panel is chosen to be lifted/removed, the minimum water depth at the nearest shore piling with netting shall be no less than 10 feet at any given point in the tide. When not actively fishing for more than 24 hours but less than 72 hours, the following configuration must be put in place to allow fish free passage and to prevent unintended corralling of fish in heart compartment: The opening of the heart along the lead must remain open. All spillers (pots) and live wells must be moved (i.e., lifted, removed, etc.,) in a manner that creates an opening providing egress from the heart.

A midpoint panel of the lead and the panel nearest to the shore must be lifted or removed to provide free passage around the lead. The minimum water depth at the nearest shore piling with netting shall be no less than 10 feet at any given point in tide. Spot checks must be conducted daily by the permit holder during which a logbook must be filled out. A WDFW or ODFW observer may be present during these daily spot checks. While not actively fishing for more than 72 hours but less than 120 hours, all netting must be raised above the high-water line. If the gear will not be fished for more than 120 hours, in addition to raising netting above the high-water line, all netting must be removed from the piling within five days.

(c) **Allowable Possession and Sales:** Subject to IFQs as defined on individual permits. Allowable sales are limited to adipose fin-clipped Chinook, adipose fin-clipped coho, sockeye, and pink salmon and shad. Retained Chinook and coho must have a healed scar at the location of the clipped fin. All legal adult Chinook and coho caught must be kept and sold. Adult Chinook are ≥ 24 inches and adult coho are ≥ 20 inches total length.

(d) **Handling of Catch:** Hand sorting or use of a knotless dip net is required when sorting fish. Dry sorting not permitted.

(e) **Observer Program:** Agency observers must be present during all fishing operations.

(5) Tongue Point/South Channel Select Area:

Open Dates	Open Days	Open Time	Open Duration
August 24 - August 28	Monday, Thursday (night)	7:00 pm - 7:00 am	12 hrs
August 31 - October 30	Monday, Tuesday, Wednesday, Thursday (night)	4:00 pm - 10:00 am	18 hrs

(a) **Area:**

(i) The Tongue Point Select Area is defined as waters of the Columbia River bounded by a line from a regulatory marker on the eastern shore of Tongue Point (midway between the red USCG light "2" at the tip of Tongue Point and the northern-most pier (#8) at the Tongue Point Job Corps facility) to the flashing green USCG light "3" on the rock jetty at the northwest tip of Mott Island, a line from a regulatory marker at the southeast end of Mott Island northeasterly to a regulatory marker on the northwest shore of Lois Island, and a line from a regulatory marker located on the Oregon shore approximately 300 yards northwest of the railroad bridge crossing the John Day River projecting easterly to a regulatory marker on the southwest shore of Lois Island:

(A) If the marker on the eastern shore of Tongue Point is not in place, the downstream boundary is defined by a line projecting from a point (46°12'31.1"N latitude 123°45'34.0"W longitude) on the eastern shore of Tongue Point to the flashing green USCG light "3" on the rock jetty at the northwest tip of Mott Island.

(B) If the marker on the Oregon shore is not in place, the upstream boundary is defined by a line projecting from a point (46°10'57.7"N latitude 123°44'35.3"W longitude) on the Oregon shore approximately 300 yards northwest of the railroad bridge crossing the John Day River projecting easterly to a regulatory marker on Lois Island.

(ii) The South Channel Area is defined as waters of the Columbia River bounded by a line from a regulatory marker on the Oregon shore at John Day Point projecting northeasterly to a regulatory marker on the southwest shore of Lois Island, and a line from a regulatory marker on Settler Point projecting northwesterly to the flashing red USCG light "10" then projecting westerly to the eastern tip of Burnside Island.

(b) **Gear:** Gillnets with a 6-inch maximum mesh size restriction. Maximum net length of 250 fathoms. In the Tongue Point Select Area, the lead line weight may not exceed two pounds per any one fathom; however, unstored gillnets legal for use in South Channel may be onboard.

In the South Channel Select Area, there is no lead line weight limit and attachment of additional weight and anchors directly to the lead line is permitted. Nets not specifically authorized for use may be onboard a vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. 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.

(c) **Allowable Sales:** Salmon (except Chum) and shad.

(6) Blind Slough/Knappa Slough Select Area:

Open Dates	Open Days	Open Time	Open Duration
August 24 - August 28	Monday, Thursday (night)	7:00 pm - 7:00 am	12 hrs
August 31 - October 30	Monday, Tuesday, Wednesday, Thursday (night)	6:00 pm - 10:00 am	16 hrs

(a) **Area:** The Blind Slough Select Area is defined as waters of Blind Slough and Gnat Creek from a north-south line represented by regulatory markers at the mouth of Blind Slough upstream to a regulatory marker in Gnat Creek located approximately 0.5 miles southeaster-

ly (upstream) of the Barendse Road Bridge. The Knappa Slough Select Area is defined as waters of Knappa Slough, Calendar Slough, and Big Creek Slough bounded to the north (upstream) by a line projecting from a regulatory marker on the eastern shore of Karlson Island to the northernmost regulatory marker at the mouth of Blind Slough and bounded to the west (downstream) by a line projecting southerly from a regulatory marker on the southwestern tip of Karlson Island through regulatory markers on the western tips of Minaker Island to a marker on the Oregon shore. The waters of Knappa Slough within a 100-foot radius of the railroad bridge crossing Big Creek are closed.

(b) **Gear:** Gillnets with a 6-inch maximum mesh size restriction. Maximum net length is 100 fathoms. There is no lead line weight limit and attachment of additional weight and anchors directly to the lead line is permitted. Nets not specifically authorized for use may be onboard a vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. 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.

(c) **Allowable Sales:** Salmon (except Chum) and shad.

(7) Deep River Select Area:

Open Dates	Open Days	Open Time	Open Duration
August 24 - August 28	Monday, Thursday (night)	6:00 pm - 9:00 am	15 hrs
August 31 - October 30	Monday, Tuesday, Wednesday, Thursday (night)	6:00 pm - 9:00 am	15 hrs
November 2 - November 12	Monday, Wednesday (night)	6:00 pm - 8:00 am	14 hrs

(a) **Area:** The Deep River fishing area includes all waters from West Deep River Road Bridge at the town of Deep River downstream to the mouth defined by a line from USCG navigation marker #16 southwest to a marker on the Washington shore.

(b) **Gear:** Gillnets with a maximum mesh size restriction of 6-inches. Maximum net length is 100 fathoms. No weight restriction on leadline. Use of additional weights or anchors attached directly to the leadline is allowed. No nets can 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. Nets not specifically authorized for use may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. 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.

(c) **Allowable Sales:** Salmon (except Chum) and shad.

(8) 24-hour quick reporting is in effect for Washington buyers WAC 220-352-315. Permanent transportation rules in effect. Oregon buy-

ers are required to submit fish receiving tickets electronically pursuant to OAR 635-006-0210.

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.

Reviser's note: The section above appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 220-358-0300W is probably intended to be WAC 220-358-03000W.

REPEALER

The following section of Washington Administrative Code is repealed, effective immediately:

WAC 220-358-0300V	Columbia River seasons below Bonneville. (26-133)

Reviser's note: The section above appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 220-358-0300V is probably intended to be WAC 220-358-03000V.

WSR 26-17-022
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 26-140 [26-145]—Filed August 7, 2026, 8:35 a.m., effective August 7, 2026, 8:35 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This emergency rule opens Marine Fish-Shellfish Catch Area 25A, outside the Discovery Bay shrimp district to commercial spot shrimp clean-up fisheries effective immediately.

Citation of Rules Affected by this Order: Repealing WAC 220-340-52000Y; and amending WAC 220-340-520.

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

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

Reasons for this Finding: This emergency rule is necessary to implement commercial clean-up fisheries accommodated in fish and wildlife commission policy C-3610. This rule is also necessary to stay within the agreed-to quotas and seasons for spot harvest in Region 3. Permanent rules regulating state commercial shrimp harvest in the Puget Sound and Strait of Juan de Fuca require adoption of harvest seasons contained in this emergency rule.

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 the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: August 7, 2026.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-52000Z Commercial spot shrimp pot fishery—Puget Sound. Notwithstanding the provisions of WAC 220-340-520, effective immediately, until further notice, it is unlawful to fish for spot shrimp for commercial purposes using pot gear in Puget Sound except as provided for in this section:

Spot shrimp pot harvest seasons and accounting periods:

(a) Spot shrimp harvest open periods:

Geographical Management Unit (WAC 220-320-140; WAC 220-320-120)	Open Period
Subregion 1A	Closed.
Subregion 1B	Closed.
Subregion 1C	Open immediately, through September 15, 2026.
Region 2E	Closed.
Region 2W	Closed.
Subarea 23A-E	Open immediately, through September 15, 2026.
Subarea 23A-W	Open immediately, through September 15, 2026.
Subarea 23A-C and Marine Fish-Shellfish (MFSF) Catch Area 23B	Open immediately, through September 15, 2026.
Subarea 23A-S and MFSF Catch Area 23D	Open immediately, through September 15, 2026.
MFSF Catch Area 23C	Open immediately, through September 15, 2026.
MFSF Catch Area 25A, excluding the Discovery Bay Shrimp District	Open immediately, through September 15, 2026.
Discovery Bay Shrimp District	Closed.
MFSF Catch Area 29 (Straits - Neah Bay)	Open immediately, through September 15, 2026.
Subarea 26B-1 and MFSF Catch Area 26C	Closed.
Subarea 26B-2	Closed.
Region 5	Open immediately, through August 31, 2026.
MFSF Catch Area 26D	Closed.
MFSF Catch Areas 28A, 28B, 28C, and 28D	Closed.

(b) The first spot shrimp catch accounting period:

(i) Runs from one hour before official sunrise May 1, through one hour after official sunset August 30, 2026.

(ii) It is unlawful for the combined total harvest during the first spot shrimp accounting period to have exceeded 5,200 pounds of spot shrimp per license from all Geographical Management Units combined, except for MFSF Catch Area 29. Catch from MFSF Catch Area 29 does not contribute towards a license's catch accounting period harvest limit.

(c) Spot shrimp harvested from different geographical management units (as noted in subsection (a)) on the same day must be kept physically separate and labeled with the MFSF Catch Area of harvest.

(d) It is lawful to possess deactivated non-spot shrimp pots onboard a commercial vessel that is listed on a Puget Sound shrimp pot license while fishing for spot shrimp. A deactivated pot is un-baited, has the drawstring or door fastened open, and/or is unable to be readily fished.

REPEALER

The following section of Washington Administrative Code are repealed, effective immediately:

WAC 220-340-52000Y Commercial spot shrimp pot fishery—Puget Sound. (26-140)

WSR 26-17-023
EMERGENCY RULES
DEPARTMENT OF ECOLOGY

[Order 26-04—Filed August 7, 2026, 10:01 a.m., effective August 7, 2026, 10:01 a.m.]

Effective Date of Rule: Immediately upon filing.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Issuance of a formal emergency drought declaration, directed by the governor and signed by the department of ecology (ecology) director.

Purpose: Ecology is adopting an emergency drought funding rule for chapter 173-167 WAC. This emergency rule describes grant applicant and project criteria for grant funds to alleviate hardship resulting from the currently declared drought.

This emergency drought funding rule is being adopted again to keep the drought response grant open, which will allow eligible public entities to continue to apply for grant funds to alleviate hardship resulting from direct drought impact. If needed, ecology may adopt subsequent emergency rules until the permanent drought relief rule is adopted.

Under the authority of RCW 70A.02.120(2), the director of ecology determined the emergency rule filing is exempt from the requirements of RCW 70A.02.060, including the requirement to complete an environmental justice assessment. The director determined that any delay in adopting this emergency rule would be likely to cause serious harm to the public interest.

Please visit our website for information and supporting documents at https://www.ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-167-2026.

Citation of Rules Affected by this Order: New chapter 173-167 WAC.

Statutory Authority for Adoption: Chapter 43.83B RCW, Drought conditions.

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 emergency rule is necessary to protect public health and safety and promote timelines that are in the interest of the public. With the rule in place, ecology may distribute funds to alleviate hardship caused by drought. To address these impacts, drought funding needs to be administered in a timely manner.

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 13, Amended 0, Repealed 0.

Number of Sections Adopted at the 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 13, Amended 0, Repealed 0.

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

Date Adopted: August 7, 2026.

Casey D. Sixkiller
Director

RDS-4763.7

Chapter 173-167 WAC
EMERGENCY DROUGHT FUNDING

NEW SECTION

WAC 173-167-180 Purpose and applicability. (1) Ecology is authorized to provide funding to public entities to implement projects and measures that alleviate undue hardship caused by drought conditions negatively affecting:

(a) The delivery of safe and reliable drinking water supplies;

(b) The survival of fish and wildlife; and

(c) The viability of agricultural activities and livestock operations.

(2) This chapter establishes criteria for grant eligibility, selection, issuance, and performance, and applies to projects under which ecology may disburse funds for addressing undue hardship caused by drought conditions.

(3) Provisions in this chapter supplement provisions of chapter 173-166 WAC. In the event of any conflict between this rule and chapter 173-166 WAC, the provisions of this chapter control.

NEW SECTION

WAC 173-167-190 Definitions. Definitions only apply to this chapter:

(1) "Agreement effective date" means the date on which the grant agreement becomes effective, as specified in the agreement.

(2) "Agreement signature date" means the date the grant agreement is signed by ecology.

(3) "Applicant" means an entity that applies for a grant.

(4) "Budget" means, for the purpose of grant agreements, a breakdown of eligible costs by task.

(5) "Ecology" means the Washington state department of ecology.

(6) "Grant agreement" or "agreement" means the formal, written, contractual document that details the terms and conditions, scope of work, budget, and schedule of the grant, signed by authorized signatories of the recipient and ecology.

(7) "Recipient" means an entity that has a grant agreement.

(8) "Scope of work" means the tasks, deliverables, and timelines of the grant agreement.

NEW SECTION

WAC 173-167-200 Funding limitations. (1) Ecology will administer grants in accordance with the *Administrative Requirements for Recipients of Ecology Grants and Loans*.

(2) Applicants must provide cost-share totaling 50 percent of the total eligible cost of the project.

(3) If an applicant is seeking funding for a public water system to address the immediate undue hardship caused by drought conditions, the applicant may be exempt from the cost-share requirement if the system serves an economically disadvantaged community. For the purposes of this rule, an economically disadvantaged community is one that meets at least one of the following criteria:

(a) Communities ranked as a 9 or 10 for the sensitive populations indicator on the Washington state environmental health disparities map;

(b) Communities ranked as a 9 or 10 for the population living in poverty indicator on the Washington state environmental health disparities map; or

(c) Applicant is, or the public water system serves, a federally recognized tribe.

(4) The department will provide no more than 25 percent of the total funds available to any single entity or any single project with funding authorized under this chapter.

NEW SECTION

WAC 173-167-210 Application. (1) All applicants must use the electronic system identified by ecology to apply for grants. Applicants without access to the electronic system must use a process approved by ecology.

(2) The applicant must complete the application process and provide all required information, including:

(a) Applicant information;

(b) Project location and description;

(c) Requested funding amount and budget for the project;

(d) Description of project benefit(s), including:

(i) Problem(s) or need(s) the project would address;

(ii) Timing and the extent to which the project is expected to address the identified needs;

(iii) Quantity of water, acreage, and number of residences affected by the proposed project, as applicable;

(iv) Method(s) used to determine project benefits; and

(v) Metrics for project success, including quantitative metrics if available.

(e) Scope of work for the project;

(f) Any other information required by ecology to evaluate the project.

(3) Ecology may request additional information to assist in the application evaluation process and may remove an application from further consideration if the application is incomplete.

NEW SECTION

WAC 173-167-220 Eligible public entities for grant funding under this chapter. (1)(a) County, or city governmental agencies.

(b) Federally recognized tribes.

(c) Public utility districts, formed under chapter 54.04 RCW.

(d) Water and sewer districts, formed under chapter 57.02 RCW.

(e) Conservation districts, formed under chapter 89.08 RCW.

(f) Irrigation districts, formed under chapter 87.03 RCW.

(g) Port districts formed under chapter 53.04 RCW.

(h) Watershed management partnerships formed under RCW 39.34.200.

(2) State agencies are not eligible for grants under RCW 43.83B.415 (1)(c); state agencies may receive funding through inter-agency agreements to address drought hardship under RCW 43.83B.410(6).

NEW SECTION

WAC 173-167-230 Eligibility for funding. (1) An activity or project for response to emergency drought conditions must be partially or completely within the area of a drought declaration order by ecology, which can be found at (a map of the drought declaration area can be viewed at https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-availability/Statewide-conditions/Drought-response).

(2) One or more of the following must be partially or completely within the area of a drought declaration order by ecology:

(a) The public water system's service area;

(b) The geographic area where irrigated agriculture or livestock are located;

(c) The source of water, or the water body, that supplies water to the entity applying for funding.

(3) The reduction in water supply caused by drought must cause, or is expected to cause, undue hardship, as described under WAC 173-167-260.

(4) Funding may be granted if the following conditions are met:

(a) The proposed project or measure must be for an established beneficial use of water and not used for irrigation of new acreage or another new or expanded use.

(b) Water derived from the project or measure must be put to beneficial use and address the current water shortage during the drought declaration.

(c) The proposed project or measure cannot impair existing water rights, including instream and out-of-stream rights.

(d) The applicant must obtain all required permits and approvals for the proposed project prior to initiating work.

(e) If an applicant is seeking funding for a public water system, the applicant must obtain Washington department of health approval of the proposed project.

(f) If an applicant is on behalf of a public water system, the system must describe water conservation actions or demonstrate that the applicant has already made reasonable efforts to address their water supply shortage through conservation measures.

NEW SECTION

WAC 173-167-240 Waiver. To expedite drought relief projects and measures, ecology can approve funding or compensation under this chapter without complying with:

(1) Notice of publication;

(2) The State Environmental Policy Act; and

(3) Competitive bidding requirements.

NEW SECTION

WAC 173-167-250 Eligible projects or measures. (1) Eligible projects or measures include, but are not limited to:

(a) Leasing or acquiring water rights providing an uninterruptible water supply for instream or out-of-stream use;

(b) Establishing emergency interties or other alternate source(s) of supply;

(c) Obtaining an emergency supply of potable water from trucks or bottles;

(d) Addressing fish hatchery or migration barriers caused by drought conditions;

(e) The cost of providing personnel necessary to implement the activities identified in this section.

(2)(a) Ecology retains the discretion to fund an eligible project for less than the amount requested or deny a grant request for an eligible project. Situations where ecology may reduce or deny a grant request for an eligible project include, but are not limited to, incomplete application submittal, unavailability of sufficient funding for a project, or evidence that information submitted in an application is false or inaccurate.

(b) The department is not obligated to fund projects that do not provide sufficient benefit to alleviating hardship caused by drought or water unavailability. Projects must show substantial benefit from securing water supply, availability, or reliability relative to project costs.

NEW SECTION

WAC 173-167-260 Undue hardship. Undue hardship will be evaluated by considering:

(1) The short-term and long-term economic, public health, or environmental effects the water shortage would have in the absence of drought relief on agricultural crops, livestock operations, public water system safety and reliability, or instream fish and wildlife resources.

(2) The degree to which current drought conditions are directly responsible for the effects described as undue hardship.

(3) The amount of water shortage experienced or forecast for each applicant.

NEW SECTION

WAC 173-167-270 Grant agreement. (1) Ecology will work with the recipient to prepare the grant agreement.

(2) A grant agreement issued and managed in ecology's electronic system must include, at a minimum:

(a) Project description;
(b) Expected outcomes;
(c) Project budget and funding distribution;
(d) Agreement effective date and expiration date;
(e) Description of tasks, deliverables, and timelines;
(f) Contact information for ecology and the recipient;
(g) Signatures of authorized signatories;
(h) General terms and conditions that specify requirements related, but not limited to:
(i) Amendments and modifications;
(ii) Assignment limits on transfer of rights or claims;
(iii) Inadvertent discovery plan for human remains and/or cultural resources;
(iv) Compliance with all laws;
(v) Conflict of interest;
(vi) Disputes;
(vii) Environmental data standards;
(viii) Governing law;
(ix) Indemnification;
(x) Independent status of the parties to the agreement;
(xi) Order of precedence for laws, rules, and the agreement;
(xii) Property rights, copyrights, and patents;
(xiii) Records, audits, and inspections;
(xiv) Recovery of funds;
(xv) Severability;
(xvi) Suspension;
(xvii) Sustainable practices;
(xviii) Termination;
(xix) Third-party beneficiary;
(xx) Waiver of agreement provisions.
(i) Special terms and conditions, if any;
(j) Agreement-specific terms and conditions, if any;
(k) Other items, if any, necessary to meet the goals of the grant program.

(3) All grant agreements under this chapter will include the latest version, as of the original agreement date, of ecology's grant general terms and conditions.

(4) Ecology may choose to extend a grant agreement at its sole discretion.

NEW SECTION

WAC 173-167-280 Performance standards—General provisions. (1) Nothing in this chapter influences, affects, or modifies existing ecology programs, rules, or enforcement of applicable laws and rules relating to activities funded by a grant.

(2) Ecology, or an auditor authorized by the state of Washington, may audit or inspect a recipient's grant agreements, records, and activities.

(3) New ecology grant agreements signed after the effective date of this chapter must be managed using ecology's designated electronic system. A recipient who cannot access the electronic system to meet a deadline or agreement requirements must use a process approved by ecology.

(4) Ecology may perform site visits to monitor the project, evaluate performance, and document compliance or any other conditions of the agreement.

(5) Recipients must:

(a) Follow all applicable accounting and auditing laws and rules related to grants;

(b) Use funds according to the agreement;

(c) Use funds according to the recipient's own policies and procedures, and according to all applicable laws and rules;

(d) Comply with all applicable laws, rules, orders, and permits when carrying out activities authorized by the agreement;

(e) Obtain prior approval for equipment purchases over the amount specified in the agreement.

(6) As specified in the grant agreement, the recipient must submit the following to ecology:

(a) Progress reports;

(b) Payment requests;

(c) Equipment and materials purchase reports, including receipts;

(d) Documentation of project implementation;

(e) A final closeout report;

(f) Any other required information.

(7) Ecology will:

(a) Follow all applicable accounting and auditing laws and rules related to grants;

(b) Monitor projects and review progress reports to assure compliance with applicable laws, rules, orders, permits, and terms and conditions of the agreement;

(c) Confirm receipt of required documentation and satisfactory completion of the project before approving final payment.

NEW SECTION

WAC 173-167-290 Closing out the agreement. (1) The recipient must follow the closeout requirements in the agreement.

(2) Ecology is not obligated to reimburse the recipient the final payment if the recipient does not meet all closeout requirements within the time frames in the agreement.

(3) Ecology will close out the grant agreement when it determines the recipient has met the requirements or when the agreement has been terminated (see WAC 173-167-300).

NEW SECTION

WAC 173-167-300 Termination of agreement. (1) Failure by the recipient to comply with a grant agreement may result in termination of the agreement.

(2) Ecology will attempt to contact the recipient regarding any issues with agreement compliance prior to terminating an agreement.

(3) Ecology's ability to make payments is contingent on availability of funding.

(4) Ecology will document the termination of an agreement.

WSR 26-17-028
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 26-146—Filed August 7, 2026, 4:50 p.m., effective August 7, 2026, 4:50 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This emergency rule adjusts the closure area in Puget Sound Salmon Management and Catch Reporting Area 9A.

Citation of Rules Affected by this Order: Amending WAC 220-354-080.

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

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

Reasons for this Finding: This emergency rule adjusts the closure area in Puget Sound Salmon Management and Catch Reporting Area 9A to align with updated boundary lines. This rule is necessary to ensure closure boundaries are aligned across the treaty and nontreaty fisheries. 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 the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: August 7, 2026.

Kelly Susewind
Director

NEW SECTION

WAC 220-354-08000D Puget Sound salmon—Closed areas. Effective immediately the following provisions of WAC 220-354-080 regarding Puget Sound Salmon Management and Catch Reporting Area 9A are as described in this section. All other provisions of WAC 220-354-080 not contained in this section remain in effect unless otherwise altered by emergency rule:

9A - (2) Those waters south of a line drawn between (47°49'11.7"N, 122°34'46.6"W) and 47°49'09.6"N, 122°34'21.4"W) and those waters east of a line drawn between (47°49'24.6"N, 122°33'57.8"W) and 47°49'15.2"N, 122°33'55.6"W).

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.

WSR 26-17-048
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 26-152—Filed August 12, 2026, 11:37 a.m., effective August 13, 2026]

Effective Date of Rule: August 13, 2026.

Purpose: This emergency rule modifies weekly landing limits for the coastal commercial salmon summer troll season.

Citation of Rules Affected by this Order: Repealing WAC 220-354-30000D; and amending WAC 220-354-300.

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

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

Reasons for this Finding: A harvestable quota of salmon is available for the troll fleet. Catches were below expectation in the previous week and sufficient quota remains to increase weekly vessel limits for Chinook and coho. This regulation is necessary to both meet conservation limits and to provide fishing opportunity and its corresponding economic benefit. These rules are adopted at the recommendation of the Pacific Fisheries Management Council, in accordance with preseason fishing plans, and have been adopted for federal waters by the National Oceanic and Atmospheric Administration. 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 the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: August 12, 2026.

Kelly Susewind
Director

NEW SECTION

WAC 220-354-30000E Coastal salmon troll seasons—Commercial. Notwithstanding the provisions of WAC 220-354-300, WAC 220-353-050, and WAC 220-354-010, August 13 through September 30, 2026, 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 and under conditions provided in this section:

(1) Salmon Management and Catch Reporting areas 1, 2, 3, and that portion of Area 4 west of 125°05'00"W longitude and south of 48°23'00"N latitude open: August 13 through September 30, 2026.

(2) Grays Harbor Control Zone, defined by a line drawn from the Westport Lighthouse (46°53'18"N. lat., 124°07'01"W. long.); thence to Buoy #2 (46°52'42"N. lat., 124°12'42"W. long.); thence to Buoy #3 (46°55'00"N. lat., 124°14'48"W. long.); thence to the Grays Harbor north jetty (46°55'36"N. lat., 124°10'51"W. long.), open: August 13 through September 30, 2026.

(3) Landing and possession limits:

(a) From August 13 through August 19, landing and possession limit of 40 Chinook and 100 marked coho per vessel per landing week, defined as Thursday through Wednesday

(b) From August 20 through September 30, landing and possession limit of 15 Chinook and 100 marked coho per vessel per landing week, defined as Thursday through Wednesday

(4) The Cape Flattery and Columbia River Control Zones are closed. The Salmon Troll Yelloweye Rockfish Conservation Area is closed.

(5) All retained coho must be marked with a healed adipose fin clip.

(6) No chum retention north of Cape Alava, WA in August and September.

(7) Minimum size for Chinook salmon is 27 inches in length (20 1/2 inches frozen dressed). Minimum size for coho salmon is 16 inches in length (12 inches frozen dressed). No minimum size for pink, sockeye or chum salmon.

(8) 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.

(9) 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, 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.

(10) During any single trip, only one side of the Leadbetter Point line (46°38'10"N. lat.) may be fished.

(11) Vessels fishing or in possession of salmon while fishing south of Leadbetter Point must land and deliver all species of fish within the area south of Leadbetter Point, except Washington permitted vessels may also land all species of fish north of Leadbetter Point.

(a) For delivery to Washington ports north of Leadbetter Point, vessels must notify WDFW at 360-249-1215 or by email at Danielle.Williams@dfw.wa.gov prior to crossing the Leadbetter Point line with area fished, total Chinook, coho, and halibut catch aboard, and destination with approximate time of delivery.

(b) Vessels in possession of salmon south of Leadbetter Point who are returning to port north of Leadbetter Point must offload all fish from the vessel prior to beginning a new fishing trip.

(c) Vessels may not land fish east of Tongue Point, Oregon or east of the Sekiu River.

(12) Vessels fishing or in possession of salmon north of Leadbetter Point must land and deliver all species of fish in a Washington port and must possess a Washington troll and/or salmon delivery license.

(a) For delivery to Washington ports south of Leadbetter Point, vessels must notify WDFW at 360-249-1215 or by email at Danielle.Williams@dfw.wa.gov prior to crossing the Leadbetter Point line with area fished, total Chinook, coho and halibut catch aboard, and destination with approximate time of delivery.

(b) Vessels in possession of salmon south of the Queets River may not cross the Queets River line (47°31'42"N. lat.) without first notifying WDFW at 360-249-1215 or by email at Danielle.Williams@dfw.wa.gov with area fished, total Chinook, coho, and halibut catch aboard and destination.

(c) Vessels in possession of salmon north of the Queets River may not cross the Queets River line without first notifying WDFW at 360-249-1215 or by email at Danielle.Williams@dfw.wa.gov with area fished, total Chinook and halibut catch aboard and destination.

(d) Vessels may not land fish east of Tongue Point, Oregon or east of the Sekiu River.

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 Washington Administrative Code is repealed, effective August 13, 2026:

WAC 220-354-30000D	Coastal salmon troll seasons—— Commercial. (26-142)

WSR 26-17-049
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 26-150—Filed August 12, 2026, 11:41 a.m., effective August 13, 2026]

Effective Date of Rule: August 13, 2026.

Purpose: The purpose of this emergency rule is to close salmon fishing in a portion of Catch Record Card Area 1.

Citation of Rules Affected by this Order: Repealing WAC 220-313-07500H; and amending WAC 220-313-075.

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

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

Reasons for this Finding: This emergency rule is necessary to close near-shore salmon fishing in Marine Area 1. Chinook catches have been higher than expected in Marine Area 1. Chinook fishing near shore has been particularly effective. Closing this near-shore area to salmon fishing will reduce Chinook catch, increasing the likelihood that sufficient Chinook guideline will remain, allowing for salmon fisheries later in the season. This rule maintains other previously announced coastal salmon seasons for Marine Areas 2 through 4. 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 the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: August 12, 2026.

Kelly Susewind
Director

NEW SECTION

WAC 220-313-07500I Pacific Ocean salmon—Seasons—Closed areas. Effective August 13 through September 30, 2026, the provisions of WAC 220-313-075 regarding recreational salmon seasons for Marine Areas 1 through 4 shall be as described in this section. All other provisions of WAC 220-313-075 not addressed in this section remain in effect unless otherwise amended:

(1) **Catch Record Card Area 1:** Open August 13 through September 30:

(a) Daily limit 2 salmon; no more than one may be a Chinook.

(b) Release wild coho.

(c) Chinook minimum length 22 inches.

(d) Coho minimum length 16 inches.

(e) That portion of Area 1 north of 46°15'N and east of 124°08.667'W is closed to fishing for salmon.

(2) **Catch Record Card Area 2:** Open August 13 through September 30:

(a) Daily limit 2 salmon; no more than one may be a Chinook.

(b) Release wild coho.

(c) Chinook minimum length 22 inches.

(d) Coho minimum length 16 inches.

(e) Grays Harbor Control Zone is open. See WAC 220-306-040 for area definition.

(3) **Catch Record Card Area 3:** Open August 13 through September 30:

(a) Daily limit 2 salmon.

(b) Release chum and wild coho.

(c) Chinook minimum length 24 inches.

(d) Coho minimum length 16 inches.

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

(a) Open August 13 through August 15:

(i) Daily limit 2.

(ii) Release chum, and wild coho.

(iii) Chinook minimum length 24 inches.

(iv) Coho minimum length 16 inches.

(v) No chinook retention allowed in waters east of the Bonilla-Tatoosh line.

(vi) Catch Record Card Area 4 waters south of a line from Kydaka Point to Shipwreck Point are closed to salmon fishing.

(b) Open August 16 through September 30:

(i) Daily limit 2.

(ii) Release chum, and wild coho.

(iii) Chinook minimum length 24 inches.

(iv) Coho minimum length 16 inches.

(v) No chinook retention allowed in waters east of the Bonilla-Tatoosh line.

(vi) Catch Record Card Area 4 waters south of a line from Kydaka Point to Shipwreck Point are open to salmon fishing.

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 Washington Administrative Code is repealed, effective August 13, 2026:

WAC 220-313-07500H	Pacific Ocean salmon—Seasons—Closed areas. (26-101)

WSR 26-17-050
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 26-151—Filed August 12, 2026, 1:49 p.m., effective August 15, 2026]

Effective Date of Rule: August 15, 2026.

Purpose: This emergency rule closes Chinook salmon retention in Catch Record Card Area 11.

Citation of Rules Affected by this Order: Repealing WAC 220-313-06000R; and amending WAC 220-313-060.

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

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

Reasons for this Finding: This emergency rule closes Chinook salmon retention in Catch Record Card Area 11. Current estimates indicate the sublegal Chinook encounter guideline will be reached by Friday, August 14. This rule change is necessary to adhere to sublegal Chinook encounter guidelines agreed to during the 2026 North of Falcon season setting process. 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 the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: August 12, 2026.

Kelly Susewind
Director

NEW SECTION

WAC 220-313-06000V Puget Sound salmon—Saltwater seasons and daily limits. Effective August 15, through September 30, 2026, salmon rules for Catch Record Card Area 11, except year-round piers, shall be modified as described in this section. All other provisions of WAC 220-313-060 not addressed in this section unless amended by emergency rule remain in effect:

Catch Record Card Area 11, except year-round piers (Des Moines Pier, Les Davis Pier, Point Defiance Boathouse Dock, and Redondo Pier):

Salmon: Daily limit 2. Release chum and Chinook.

REPEALER

The following section of the Washington Administrative Code is repealed, effective August 15, 2026:

WAC 220-313-06000R	Puget Sound salmon—Saltwater seasons and daily limits. (26-136)

WSR 26-17-051
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 26-148—Filed August 12, 2026, 1:57 p.m., effective August 13, 2026]

Effective Date of Rule: August 13, 2026.

Purpose: This emergency rule opens a commercial reef net season in Puget Sound Salmon Management and Catch Reporting Area 7.

Citation of Rules Affected by this Order: Amending WAC 220-354-180.

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

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

Reasons for this Finding: This emergency rule is needed to provide for a Pacific Salmon Commission authorized commercial fishery in Puget Sound Management and Catch Reporting Area 7. This fishery has been authorized by the Fraser River Panel as part of the Pacific Salmon Treaty. The latest in-season runsize estimates for sockeye salmon based on test fishing indicate that there are harvestable sockeye available for United States fisheries. 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 the 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 12, 2026.

Kelly Susewind
Director

NEW SECTION

WAC 220-354-18000Q Reef net open periods. Notwithstanding the provisions of WAC 220-354-180, effective August 13, 2026 only, it is unlawful to take, fish for, or possess salmon taken with reef net gear for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except as provided in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Open to reef net gear according to the times, dates and conditions contained in this section:

Area(s)	Date(s)	Open/Closed	Daily open period
7	8/13	Open	5 AM - 9 PM

(a) Sockeye retention is permitted August 13 only. It is unlawful to land more than 300 sockeye per license during this fishery.

(b) "Quick Reporting Fisheries": All fisheries opened under this section, and any fishery opening under authority of the Fraser Panel for sockeye in Puget Sound Salmon Management and Catch Reporting Areas (WAC 220-301-030), are designated as "Quick Reporting Required" per WAC 220-352-325 Puget Sound salmon and sturgeon—Additional reporting requirements and WAC 220-354-090 Puget Sound salmon—Quick reporting.

WSR 26-17-054
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 26-149—Filed August 12, 2026, 3:05 p.m., effective August 13, 2026]

Effective Date of Rule: August 13, 2026.

Purpose: This emergency rule closes Chinook salmon retention in Catch Record Card Area 6.

Citation of Rules Affected by this Order: Repealing WAC 220-313-06000T; and amending WAC 220-313-060.

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

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

Reasons for this Finding: This emergency rule is necessary to close Chinook salmon retention in Catch Record Card Area 6. This closure is necessary because current estimates indicate that the allowable encounters limit for the Chinook portion of the summer season, established during the 2026 North of Falcon season setting process, has been reached. 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 the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: August 12, 2026.

Kelly Susewind
Director

NEW SECTION

WAC 220-313-06000U Puget Sound salmon—Saltwater seasons and daily limits. Effective August 13 through August 15, 2026, the following provisions of WAC 220-313-060 regarding salmon seasons for the Chinook Selective Fishery area in Marine Area 6 shall be modified as described in this section. All other provisions of WAC 220-313-060 not addressed in this section, or unless otherwise amended by emergency rule, remain in effect:

Catch Record Card Area 6 waters west of a true north/south line through the #2 Buoy immediately east of Ediz Hook, except waters of

Freshwater Bay south of a line from Angeles Point to Observatory Point (Bachelor Rock):

Salmon daily limit 2. Release chum, sockeye, wild coho, and Chinook.

REPEALER

The following section of Washington Administrative Code is repealed, effective August 13, 2026:

WAC 220-313-06000T Puget Sound salmon—Saltwater seasons and daily limits. (26-141)

WSR 26-17-062
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 26-147—Filed August 13, 2026, 11:18 a.m., effective August 15, 2026]

Effective Date of Rule: August 15, 2026.

Purpose: This emergency rule opens recreational crab season for Marine Area 7 North and maintains all other previously announced 2026 Puget Sound recreational summer crab seasons.

Citation of Rules Affected by this Order: Repealing WAC 220-330-04000W; and amending WAC 220-330-040.

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

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

Reasons for this Finding: This emergency rule opens recreational crab harvest in Marine Area 7 North on August 15, 2026. State and tribal comanagers have agreed that legal size Dungeness crabs have reached the hardshell criteria for harvest to schedule the opening for Marine Area 7 North. Crab seasons for the other marine areas remain as previously announced. This rule is necessary to achieve the 50/50 harvest defined by the federal court order. Marine Area 12 south of a line projected due east from Ayock Point and Marine Area 13 are closed. 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 the 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 13, 2026.

Kelly Susewind
Director

NEW SECTION

WAC 220-330-04000X Crab—Areas and seasons—Personal use. Notwithstanding the provisions of WAC 220-330-040, effective August 15, through September 28, 2026, it is unlawful to fish for crab for personal use in Puget Sound in all waters of Marine Areas, 4 east of the Bonilla-Tatoosh line, 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12 and 13, except as provided herein:

1) **Marine areas 4 east of the Bonilla-Tatoosh line, 5, 6, 8-1, 8-2, and 9:** Effective August 15, through September 7, 2026, it is permissible to fish for crab for personal use on Thursdays, Fridays, Saturdays, Sundays, and Mondays.

2) **Those waters of Marine Area 7 south and west** of a line projected from Village Point, Lummi Island, through the navigation buoy just east of Matia Island, thence to the buoy at Clements Reef, thence to the easternmost point of Patos Island, thence running along the northern shore of Patos Island to the westernmost point of Patos Island, thence true west to the international boundary and south of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island: Effective August 15, through September 28, 2026, it is permissible to fish for crab for personal use on Thursdays, Fridays, Saturdays, Sundays, and Mondays.

3) **Those waters of Marine Area 7 north and east** of a line projected from Village Point, Lummi Island through the navigation buoy just east of Matia Island thence to the buoy at Clements Reef thence to the easternmost point of Patos Island, running along the northern shoreline of Patos Island and from the westernmost point of Patos Island true west to the international boundary and north of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island: Effective August 15, through September 28, 2026, it is permissible to fish for crab for personal use on Thursdays, Fridays, Saturdays, Sundays, and Mondays.

4) **Marine Area 10:** Effective August 15, through September 7, 2026, it is permissible to fish for crab for personal use on Sundays, and Mondays.

5) **Marine Area 11:** Effective August 15, through August 17, 2026, it is permissible to fish for crab for personal use on Sundays, and Mondays.

6) **The portion of Marine Area 12 north of a line projected due east from Ayock Point:** Effective August 15, through September 7, 2026, it is permissible to fish for crab for personal use on Thursdays, Fridays, Saturdays, Sundays, and Mondays.

7) **The portion of Marine Area 12 south of a line projected due east from Ayock Point:** Closed until further notice.

8) **Marine Area 13:** Closed until further notice.

REPEALER

The following section of Washington Administrative Code is repealed, effective August 15, 2026:

WAC 220-330-04000W Crab—Areas and seasons—Personal use. (26-109)

WSR 26-17-063
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 26-153—Filed August 13, 2026, 3:33 p.m., effective August 14, 2026]

Effective Date of Rule: August 14, 2026.

Purpose: This emergency rule opens commercial purse seine and gillnet seasons in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A.

Citation of Rules Affected by this Order: Amending WAC 220-354-120 and 220-354-160.

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

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

Reasons for this Finding: This emergency rule is needed to provide for Pacific Salmon Commission authorized commercial fisheries in Puget Sound Management and Catch Reporting Areas 7 and 7A. These fisheries have been authorized by the Fraser River Panel as part of the Pacific Salmon Treaty. The latest in-season runsize estimates for sockeye salmon based on test fishing indicate that there are harvestable sockeye available for United States fisheries. 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 the 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 13, 2026.

Kelly Susewind
Director

NEW SECTION

WAC 220-354-12000L Puget Sound salmon—Purse seine—Open periods. Effective 5:00 a.m. until 9:00 p.m., August 14, 2026, the following provisions of WAC 220-354-120 regarding commercial Purse Seine open periods in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A shall be described in this section. All other provisions of WAC 220-354-120 not contained in this section remain in effect unless otherwise altered by emergency rule:

Areas	Open/Closed	Time	Date(s)
7, 7A	Open	5 AM - 9 PM	08/14/2025

(a) For the purse seine fishery opening in this section the following participants that have been selected and notified by the Department, or their designated alternate operator, are permitted to participate in the Area 7 and 7A purse seine fishery:

(i) FV AK1301AN
(ii) FV NEW OREGON
(iii) FV AK6955AN
(iv) FV PACIFIC BREEZE
(v) FV GORBUSCHA
(vi) FV D C COLE
(vii) FV YANKEE BOY
(viii) FV AK2395AP
(ix) FV AK5550AM
(x) FV LADY IRIS
(xi) FV WISCONSIN

(b) It is unlawful to land more than 1,450 sockeye per license during open periods listed in this section. Should a fisher land over this limit, they should immediately notify enforcement at 360-902-2447. Both the fisher and the buyer are liable to adhere to trip limits set for a fishery per WAC 220-354-030 and WAC 220-354-050.

(c) Per WAC 220-354-100 brailing and use of recovery boxes is required. Chinook, coho and chum release is required.

(d) It is unlawful to possess salmon caught in other Marine Areas while participating in this fishery.

(e) Agreement to participate in this fishery requires that a department observer be allowed on board the vessel while fishing if requested by department staff.

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.

NEW SECTION

WAC 220-354-16000T Puget Sound salmon—Gillnet—Open periods. Effective from 8:00 a.m. through 11:59 p.m. August 14, 2025, the following provisions of WAC 220-354-160 regarding commercial gillnet open periods for Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A shall be described in this section. All other provisions of WAC 220-354-160 not addressed in this section, or unless otherwise amended by emergency rule, remain in effect:

Area	Open/Closed	Time	Date(s)
7, 7A	Open	8 AM - 11:59 PM	08/14/2025

(a) For the gillnet fishery opening listed in this section the following participants that have been selected and notified by the Department, or their designated alternate operator, are permitted to participate in the Area 7 and 7A gillnet fishery:

(i) FV WN4866SF
(ii) FV ELMER J
(iii) FV MISS MAKAYLA
(iv) FV KATYA DAWN
(v) FV ANNIE KAE

(vi) FV GULA
(vii) FV EVERGREEN
(viii) FV BLUE CHIP
(ix) FV WN887BN
(x) FV WN6399LK
(xi) FV WN5131SA
(xii) FV WN9872MC
(xiii) FV WN9158GB
(xiv) FV GLACIER GIRL
(xv) FV DETERMINATION
(xvi) FV WN2845SF
(xvii) FV WN7041P
(xviii) FV WN4645CG
(xix) FV WN9995L
(xx) FV WN6641SR
(xxi) FV PAUL MARIE
(xxii) FV WN1817MB
(xxiii) FV WN3552RP
(xxiv) FV GILDED LADY
(xxv) FV WN4802LB
(xxvi) FV WN3964SZ
(xxvii) FV SCOUT
(xxviii) FV JAMES DEAN
(xxix) FV MASTERPIECE
(xxx) FV BAYONET
(xxxi) FV SANJO
(xxxii) FV KELSIE DAWN
(xxxiii) FV WN0285NN
(xxxiv) FV WN788EG
(xxxv) FV QUICK PITCH
(xxxvi) FV WN4716LB
(xxxvii) FV WN6073LE
(xxxviii) FV WN6251ST
(xxxix) FV WN2229RP
(xl) FV TONI M
(xli) FV WENDY SUE

(b) It is unlawful to land more than 150 sockeye per license during open periods listed in this section. Should a fisher land over this limit, they should immediately notify enforcement at 360-902-2447. Both the fisher and the buyer are liable to adhere to trip limits set for a fishery per WAC 220-354-030 and WAC 220-354-050.

(c) Chum release is required.

(d) Per WAC 220-354-160 (2)(b) it is unlawful to fish a net with a soak time in excess of 45 minutes. Net soak time is defined as the time elapsed from when the first of the gillnet web enters the water, until the gillnet is full retrieved from the water.

(e) Per WAC 220-354-140(6) It is unlawful to take or fish for salmon with gillnet gear in Areas 7 or 7A sockeye or pink salmon fisheries unless said gillnet gear is constructed so that the first 20 meshes below the cork line are composed of a five-inch mesh, white opaque, minimum 210/30d (#12) diameter, nylon twine.

(f) It is unlawful to possess salmon caught in other Marine Areas while participating in this fishery.

(g) Agreement to participate in this fishery requires that a department observer be allowed on board the vessel while fishing if requested by department staff.

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

Reviser's note: The typographical 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.

WSR 26-17-066
EMERGENCY RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed August 14, 2026, 9:15 a.m., effective August 14, 2026, 9:15 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of the emergency rule making is to adopt rules to authorize full-time enrollment funding for students enrolled in competency-based education programs identified by the state board of education as required by SB 5189 (2025).

The office of superintendent of public instruction (OSPI) will also conduct permanent rule making concerning these rules.

Citation of Rules Affected by this Order: New WAC 392-121-189; and amending WAC 392-121-107.

Statutory Authority for Adoption: SB 5189 (chapter 278, Laws of 2025).

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 emergency rules are necessary to be in place by the beginning of the 2025-26 school year to ensure that students enrolled in approved competency-based education programs can be claimed as a full-time student or 1.0 full-time equivalent [student] for the purpose of generating state basic education funding.

OSPI will also conduct permanent rule making concerning these 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 1, Amended 1, Repealed 0.

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

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

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

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

Date Adopted: August 14, 2026.

Chris P.S. Reykdal
State Superintendent of Public Instruction

RDS-6607.2

AMENDATORY SECTION (Amending WSR 24-14-074, filed 6/28/24, effective 7/29/24)

WAC 392-121-107 Definition—Course of study. As used in this chapter, "course of study" means those activities for which students enrolled pursuant to chapters 180-16, 180-51, 392-169, 392-134, and 392-410 WAC may be counted as enrolled students for the purpose of full-time equivalent student enrollment counts.

(1) Course of study includes:

(a) Instruction - Teaching/learning experiences conducted by school district staff as directed by the administration and the board of directors of the school district, or teaching/learning experiences conducted by charter school staff as directed by the charter school administration and charter school board, inclusive of intermissions for class changes, recess and teacher/parent-guardian conferences that are planned and scheduled by the district or charter school for the purpose of discussing students' educational needs or progress, and exclusive of time for meals.

(b) Alternative learning experience - Alternative learning experience provided by the school district or charter school in conformance with WAC 392-121-182.

(c) Instruction provided by a contractor - Instruction provided by a contractor in conformance with WAC 392-121-188 or 392-121-1885.

(d) National guard - Participation in a national guard high school career training program for which credit is being given toward either required or elective high school credits pursuant to RCW 28A.300.165 and WAC 392-410-320.

(e) Ancillary service - Any cocurricular service or activity, any health care service or activity, and any other services or activities, for or in which enrolled students are served by appropriate school district or charter school staff. The term shall include, but not be limited to, counseling, psychological services, testing, remedial instruction, speech and hearing therapy, health care services, and if such service is provided by the district or charter school, certificated contact time pursuant to RCW 28A.225.010 (4)(a) with students who are in a home-based instruction program. The term shall exclude all extracurricular activities and all other courses of study defined in this section. In conformance with WAC 392-134-025, school districts and charter schools report the actual number of student contact hours of ancillary service for part-time, private school, and home-based students to the superintendent of public instruction.

(f) Worksite learning - Training provided in accordance with WAC 392-410-315 and reported as provided in WAC 392-121-124.

(g) Running start - Attendance at an institution of higher education pursuant to RCW 28A.600.300 through 28A.600.400, chapter 392-169 WAC.

(h) Transition school - Participation in the University of Washington's transition school and early entrance program pursuant to RCW 28A.185.040, and chapter 392-120 WAC. Such participation shall be reported by the University of Washington and shall not be reported by a school district or charter school.

(i) Technical college direct funding - Enrollment at a technical college pursuant to RCW 28A.150.275 and WAC 392-121-187. Such participation shall be reported by the technical college and shall not be reported by a school district unless the technical college and the

school district agree to have the school district report such enrollment.

(j) Dropout reengagement program - Enrollment in a state approved dropout reengagement program pursuant to RCW 28A.175.100 and chapter 392-700 WAC.

(k) Paid work experience - Training provided in accordance with WAC 392-410-316 and reported as provided in WAC 392-121-139.

(l) Transition to kindergarten - Pursuant to RCW 28A.300.072 and chapter 392-425 WAC.

(m) Competency-based education programs that meet the criteria outlined in WAC 392-121-189.

(2) Course of study does not include:

(a) Home-based instruction pursuant to RCW 28A.225.010(4): Education programs provided by a parent which do not meet the requirements of WAC 392-121-182 cannot be claimed for state funding;

(b) Private school instruction pursuant to chapter 28A.195 RCW;

(c) Adult education as defined in RCW 28B.50.030(12);

(d) Instruction provided to students who do not reside in Washington state (RCW 28A.225.260);

(e) Enrollment in state institutions, i.e., state operated group homes, county juvenile detention centers, state institutions for juvenile delinquents, county and city adult jails, and state residential habilitation centers;

(f) Instruction preparing a student for the general education development (GED) test if such instruction generates state or federal moneys for adult education;

(g) Enrollment in education centers except as provided under contract with a school district pursuant to RCW 28A.150.305 and WAC 392-121-188 or 392-121-1885;

(h) Enrollment for residents of the Washington state school for the deaf and the Washington state school for the blind;

(i) Extracurricular activities including but not limited to before and after school activities such as classes, sports and other activities offered outside the regular curriculum or for which credit is not earned; or

(j) Attendance at universities, colleges, community colleges, or technical colleges of students not earning high school credit.

NEW SECTION

WAC 392-121-189 Competency-based education requirement. (1) This section applies solely to all competency-based education programs that have been identified by the state board of education prior to the beginning of the school year based on:

(a) School membership in the mastery-based learning collaborative established in section 502(2), chapter 334, Laws of 2021;

(b) Current waiver from credit-based graduation requirements granted by the state board of education under RCW 28A.300.750; or

(c) Approval based on a process designed and recommended by the state board of education as directed by section 3, chapter 278, Laws of 2025, once rules have been adopted by the board.

(d) State-approved dropout reengagement programs established under RCW 28A.175.100 are prohibited in using these rules to claim state funding and would be limited to the rules found in chapter 392-700 WAC.

(e) Districts can elect to claim students enrolled in eligible competency-based programs using the alternative learning experience rules provided in WAC 392-121-182 and are not required to use the rules found in this section. The decision on which method to claim each program's enrollment must be determined prior to the beginning of the school year and apply to all students within each program for the duration of the school year.

(2)(a) For students enrolled in competency-based education programs that are conducted exclusively in a school setting, the FTE in competency-based education programs is based on the student's scheduled weekly minutes divided by 1,665.

(b) For students enrolled in competency-based education programs that are conducted remotely or with a hybrid remote/in-person model, FTE will be based on the weekly minutes included in the student's documented weekly learning schedule divided by 1,665. This subsection does not reduce or eliminate any worksite learning requirements contained in WAC 392-410-315.

(3) Students enrolled in eligible competency-based education programs would be subject to the following limitations:

(a) For students enrolled in Running Start for more than six college credits and being claimed by the college for more than a 0.40 FTE, the competency-based education program FTE is limited to the difference of 1.40 FTE and the Running Start FTE.

(b) For students enrolled in a skill center course and being claimed by the skill center for more than a 0.60 FTE, the competency-based education program FTE is limited to the difference of 1.60 FTE and the FTE claimed by the skill center.

(c) For students that are enrolled in other school(s), the competency-based education program's FTE is limited to the difference of 1.00 FTE and the FTE claimed by the other school(s).

(4) FTE claimed for vocational courses as outlined in WAC 392-121-138 would be limited to the number of hours approved in the CTE framework and all other CTE program requirements must be met, including the course being delivered by an CTE endorsed instructor.

(5) District must maintain the following documentation for each student claimed as a competency-based education program FTE:

(a) For all students, evidence of participation or engagement with a certificated instructor within the prior 20 consecutive school days of the monthly count day.

(b) For students enrolled in competency-based education models where students are learning remotely or in a hybrid remote/in-person model, documentation of a certificated instructor's weekly monitoring of the student's progress.

WSR 26-17-067
EMERGENCY RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed August 14, 2026, 9:15 a.m., effective August 14, 2026, 9:15 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule making is to amend college in the high school rules in alignment with 2SSB 5048 (2023) which eliminated fees for students.

This is a renewal of emergency rule filing as the office of superintendent of public instruction (OSPI) continues to conduct permanent rule making.

Citation of Rules Affected by this Order: Repealing WAC 392-725-325; and amending WAC 392-725-005, 392-725-015, 392-725-050, 392-725-225, 392-725-235, 392-725-250, and 392-725-300.

Statutory Authority for Adoption: RCW 28A.600.287 and 2SSB 5048 (chapter 314, Laws of 2023).

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 emergency rules are necessary to ensure students participating in college in the high school programs are not required to pay fees as provided in 2SSB 5048 during the 2023-24 school year.

OSPI will also conduct permanent rule making concerning college in the high school (chapter 392-725 WAC).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 7, Repealed 1.

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

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

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

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

Date Adopted: August 14, 2026.

Chris P.S. Reykdal
State Superintendent of Public Instruction

OTS-4916.2

AMENDATORY SECTION (Amending WSR 16-14-030, filed 6/27/16, effective 7/28/16)

WAC 392-725-005 Authority. The authority for this chapter is RCW ((~~28A.600.290~~)) 28A.600.287, which authorizes the superintendent of public instruction to adopt rules governing RCW ((~~28A.600.290~~)) 28A.600.287, with the state board of community and technical colleges, the student achievement council, and the public baccalaureate institutions to jointly develop rules, and with the association of Washington school principals to be consulted. The rules set forth in this chapter have been jointly developed and agreed upon by the four organizations with the council of presidents representing the public baccalaureate institutions. The rules may be modified only by agreement of the superintendent of public instruction, state board of community and technical colleges, the student achievement council, and an organization representing the interest of the public baccalaureate institutions.

AMENDATORY SECTION (Amending WSR 19-12-049, filed 5/31/19, effective 7/1/19)

WAC 392-725-015 Definitions. The following definitions in this section apply throughout this chapter.

(1) **"College in the high school course"** means a dual credit course provided on a high school campus or in a high school environment in which an eligible student is given the opportunity to earn high school credit to be awarded by a district, charter school, or tribal compact school and college credit awarded by the participating institution of higher education by completing a college course with a passing grade. College in the high school courses may be either academic or career and technical (vocational) education.

(2) **"College in the high school program"** means the subset of dual credit courses meeting NACEP quality standards and provided on a high school campus or in a high school environment in which an eligible student is given the opportunity to earn high school credit to be awarded by a district, charter school, or tribal compact school and college credit awarded by the participating institution of higher education by completing a college course with a passing grade.

(3) **"Eligible student"** means any student who meets the following conditions:

(a) The student meets the definition of an enrolled student pursuant to WAC 392-121-106.

(b) The student under the grade placement policies of the district, charter school, or tribal compact school through which the high school credits will be awarded has been deemed to be a ((~~tenth, eleventh, or twelfth~~)) 9th, 10th, 11th, or 12th grade student.

(4) **"Participating institution of higher education"** means an institution of higher education that:

(a) A district, charter school, or tribal compact school has contracted with to provide the college in the high school program;

(b) Meets the definition in RCW 28B.10.016, is authorized or exempt under the requirements of chapter 28B.85 RCW, or is a public tribal college located in Washington as ((~~noted in RCW 28A.600.290 (7)(a)~~)) described in RCW 28A.600.287 (12)(c);

(c) Meets the college in the high school program standards outlined in WAC 392-725-130 through 392-725-170; and

(d) Is accredited by National Alliance of Concurrent Enrollment Partnerships or commits to the reporting of evidence requirement outlined in WAC 392-725-120.

(5) **"National Alliance of Concurrent Enrollment Partnerships"** is the professional organization that works to ensure that college in the high school courses are as rigorous as courses offered on the sponsoring college campuses. National Alliance of Concurrent Enrollment Partnerships (NACEP) has defined a set of quality standards that is the basis of their accreditation process.

(6) **"Council of presidents"** is defined throughout this chapter as the organization representing the interest of public baccalaureate institutions((~~, specific to RCW 28A.600.290(6).~~

~~(7) **"Fees."**~~

~~(a) **"College in the high school fees"** means the per credit or per course fee charged by the participating institution of higher education for the registration for the college course.~~

~~(i) The maximum college in the high school fee shall not exceed the college in the high school state-funded subsidies described in RCW 28A.600.290.~~

~~(ii) The college in the high school fee may be less than the college in the high school state-funded subsidies.~~

~~(iii) The institution of higher education must receive the corresponding fee for any student seeking to earn college credit from the college in the high school course in accordance with the general requirements identified in WAC 392-725-225 (2)(a) unless the student qualifies for the state-funded subsidies in accordance with WAC 392-725-325(4).~~

~~(b) **"Other associated college in the high school fees"** means additional fees required to fully participate in the college in the high school program charged by the participating institution of higher education such as registration fees and fees for consumables.~~

~~(8) **"College in the high school state-funded subsidies"** means the amount provided in the Omnibus Appropriations Act that pays the college in the high school fee for specific eligible eleventh or twelfth grade students pursuant to RCW 28A.600.290 (1)(b)(i) only and for the limited amount provided in WAC 392-725-325(2)~~)).

AMENDATORY SECTION (Amending WSR 19-12-049, filed 5/31/19, effective 7/1/19)

WAC 392-725-050 Local agreement requirement. Prior to the start of the college in the high school program(s), a local agreement between the district, charter school, or tribal compact school and the participating institution of higher education must be developed and in place. The agreement shall be for no more than one school year, meet the district, charter school, or tribal compact school's board policies and the policies of the institution of higher education regarding contracting agreements, and address the following requirements:

(1) List of college in the high school courses.

(2) College in the high school student standards pursuant to WAC 392-725-130 will be met.

(3) College in the high school curriculum and assessment standards pursuant to WAC 392-725-140 will be met.

(4) College in the high school faculty standards pursuant to WAC 392-725-150 will be met.

(5) College in the high school evaluation standards pursuant to WAC 392-725-160 will be met.

(6) College in the high school partnership standards pursuant to WAC 392-725-170 will be met.

(7) Award of high school credits pursuant to WAC 392-725-200 will be met.

(8) District, charter school, or tribal compact school's responsibilities for offering college in the high school program.

(9) ((~~Institution of higher education's fee amount per college credit or per college course and a description and amount of other associated college in the high school fees.~~

~~(10)~~)) Course materials including, but not limited to, textbooks for each college in the high school course, and which party will be responsible to provide.

((~~(11)~~)) (10) Provide an explanation of how any compensation paid to the instructor for work performed beyond their contract with the district, charter school, or tribal compact school will be calculated and provide details of what duties the compensation represents.

((~~(12) Method and collection of college in the high school fee and other associated college in the high school fees.~~

~~(13)~~)) (11) Districts, charter schools, tribal compact schools, and institutions of higher education shall as necessary assure compliance with their respective duties under federal and state law.

AMENDATORY SECTION (Amending WSR 19-12-049, filed 5/31/19, effective 7/1/19)

WAC 392-725-225 College in the high school general requirements. (1) Participating districts, charter schools, or tribal compact schools must provide general information about the college in the high school program to all students in grades ((~~nine~~)) eight through ((~~twelve~~)) 12 and to the parents and guardians of those students.

(2) The enrollment of a student who meets the definition of WAC 392-725-015(2) in the college in the high school program shall be governed as follows:

(a) An eligible student seeking to earn college credit is responsible for enrolling into an institution of higher education on or before the deadline established by the institution of higher education.

(b) An eligible student is entitled to enroll in an institution of higher education for college in the high school program purposes subject to each of the following conditions and limitations:

(i) Enrollment is limited to college courses.

(ii) Prior confirmation pursuant to WAC 392-725-200 by the district, charter school, or tribal compact school of the amount of high school credit to be awarded for a college in the high school course on or before the deadline for enrollment established by the institution of higher education.

(iii) Acceptance of the student by the institution of higher education subject to enrollment requirements and limitations established by the institution.

AMENDATORY SECTION (Amending WSR 17-21-001, filed 10/5/17, effective 11/5/17)

WAC 392-725-235 Co-delivery of college in the high school courses. (1) In cases where a college in the high school course is co-delivered with another dual credit course, such as career and technical education dual credit, advanced placement, international baccalaureate, or Cambridge international, the participating institution of higher education, in coordination with the institution's academic department, shall assess curriculum alignment and approve the option to provide a co-delivered course.

(2) In cases where a college in the high school course is co-delivered with another dual credit course, the high school transcript shall reflect the co-delivered courses as follows:

(a) The course title as listed on the high school transcript shall begin with the institute of higher education's curriculum and course number, as described in the office of superintendent of public instruction CEDARS manual.

(b) Any additional course title description for a co-delivered college in the high school course title shall be included pursuant to WAC 392-415-070.

Official course abbreviations for career and technical education dual credit, advanced placement, international baccalaureate and Cambridge international shall be included on the high school transcript as listed in appendix Q of the office of superintendent of public instruction CEDARS manual.

(c) For approved co-delivered courses, as provided in subsection (1) of this section, the high school transcript course title and course designators may reflect two dual credit programs in cases where students have met any required prerequisites or other entrance requirements for both programs.

(3) Students choosing to enroll in a co-delivered college in the high school course for the purpose of earning college credit must meet the college in the high school enrollment requirements outlined in WAC 392-725-225(2).

AMENDATORY SECTION (Amending WSR 16-14-030, filed 6/27/16, effective 7/28/16)

WAC 392-725-250 Transferability of college credit. (1) College in the high school programs may include both academic and career and technical education. The college credit shall be applied at institutions of higher education ((~~toward:~~

~~(a) General education requirements; or~~

~~(b)~~)) as appropriate and applicable to the student's degree requirements.

(2) A college in the high school course has the same transferability as its equivalent course on the college campus. Some courses including career and technical education courses may not meet specific general education and/or degree requirements.

AMENDATORY SECTION (Amending WSR 19-12-049, filed 5/31/19, effective 7/1/19)

WAC 392-725-300 Finance. ((~~(1)~~)) Districts, charter schools, and tribal compact schools claim the college in the high school courses for basic education funding based on the course's average enrolled weekly minutes pursuant to WAC 392-121-122. Courses that qualify for vocational enhanced funding can be claimed pursuant to WAC 392-121-138.

((~~(2) The participating institution of higher education receives college in the high school fees as defined in WAC 392-725-015 (7)(a) and other associated college in the high school fees for eligible students as defined in WAC 392-725-015 (7)(b). The amount and method of collection of these fees shall be outlined in local agreement.~~

~~(3) For college in the high school courses that qualify for state funded subsidies as defined in WAC 392-725-015(8) and based on the per student limitations provided in WAC 392-725-325(2), these subsidies are provided in lieu of college in the high school fees as defined in WAC 392-725-015 (7)(a).~~))

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 392-725-325	College in the high school state funded subsidies.

WSR 26-17-068
EMERGENCY RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed August 14, 2026, 9:15 a.m., effective August 14, 2026, 9:15 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule making is to expand access to running start in alignment with 2SHB 1316 (2023) and E2SSB 5670 (2024), expand state funding for students receiving special education funding who turn 21 in alignment with SSB 5253 (2025), and clarify which students can be claimed for running start funding for the first count of a college term. Additionally, the rules provide for funding, reporting, and administration of participating students' enrollment in running start courses.

The office of superintendent of public instruction (OSPI) will also conduct permanent rule making concerning these rules.

Citation of Rules Affected by this Order: Amending WAC 392-121-106, 392-121-119, 392-121-123, 392-121-136, 392-121-187, 392-122-220, 392-169-015, 392-169-020, 392-169-022, 392-169-025, 392-169-055, 392-169-100, 392-169-105, 392-169-115, 392-169-120, 392-172A-02000, 392-172A-02005, 392-172A-02055, and 392-700-035.

Statutory Authority for Adoption: 2SHB 1316 (chapter 350, Laws of 2023); E2SSB 5670 (chapter 159, Laws of 2024); SSB 5253 (chapter 256, Laws of 2025); and RCW 28A.600.390 and 28A.150.290.

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 emergency rules are necessary to ensure eligible students can participate in running start at enrollment levels provided for in 2SHB 1316 (2023) and E2SSB 5670 (2024), and to ensure the running start requirements for student enrollment calculations, reporting, and program administration are effective by the beginning of the 2025-26 school year. Additionally, the emergency rules are necessary to ensure that students who are age 21 and receiving special education services can be claimed for state funding as provided for in SSB 5253 (2025) by the beginning of the 2025-26 school year. Finally, after several state auditor's office audits, it was determined that emergency rules are required to change the first count day for a college's term to the fourth school day of the first full month.

OSPI will also conduct permanent rule making concerning these 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 19, Repealed 0.

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

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

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

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

Date Adopted: August 14, 2026.

Chris P.S. Reykdal
State Superintendent of Public Instruction

RDS-6625.1

AMENDATORY SECTION (Amending WSR 24-14-074, filed 6/28/24, effective 7/29/24)

WAC 392-121-106 Definition—Enrolled student. As used in this chapter, "enrolled student" means a person residing in Washington state who:

(1) Is eligible to enroll in the school district's education programs because ((~~he or she~~)) the person:

(a) Resides in the school district with or without an address (RCW 28A.225.010, 28A.225.160 and 28A.225.215);

(b) Resides on a United States reservation, national park, national forest, or Indian reservation contiguous to the school district (RCW 28A.225.170);

(c) Resides in a school district not offering the grade for which they are eligible to enroll such as a nonhigh district (RCW 28A.225.210);

(d) Has been released from the school district ((~~he or she~~)) the person resides in and has been accepted by the school district claiming enrollment (RCW 28A.225.225 and 28A.225.230);

(e) Will be attending the school district as part of an interdistrict cooperative program (RCW 28A.225.250);

(f) Will be attending school in a school district in another state per a reciprocity agreement pursuant to RCW 28A.225.260; or

(g) Will be attending a public charter school, as defined by RCW 28A.710.010, located within Washington state.

(2) After the close of the prior school year has presented ((~~himself or herself~~)), or has been presented, to the school district's or charter school's appropriate official to be entered on the school district's or charter school's rolls for the purpose of attending school in grades kindergarten through 12 and transition to kindergarten program;

(3) Is under 21 years of age at the beginning of the school year. For a student receiving special education services, the person is under the age of 22 at the beginning of the school year;

(4) Actually participated on a school day during the first four school days of the current school term (semester or quarter), or on a school day during the current school year on or prior to the date being counted, in a course of study offered by the school district or charter school as defined in WAC 392-121-107; and

(5) Does not qualify for any of the enrollment exclusions set forth in WAC 392-121-108.

AMENDATORY SECTION (Amending WSR 23-13-089, filed 6/16/23, effective 7/1/23)

WAC 392-121-119 Definition—Enrollment count dates. As used in this chapter, "enrollment count dates" means the fourth school day of September and the first school day of each of the nine subsequent months of the school year for all school districts and charter schools including districts and charter schools which commence basic education programs prior to September 1st. Exceptions are limited to the following:

(1) In school districts where not every school or grade follows the same calendar of school days, the calendar of an individual school or an entire grade level within a school may determine the monthly enrollment count date for that school or grade level within the school.

(2) ((~~The 11 count dates for running start enrollment shall be the first school day of each month of October through August.~~)) For running start programs, the count dates are:

(a) For the first full month of the term, the fourth school day of the month.

(b) For all other months, November through August, the first school day of the month.

(3) For open doors programs, the count days are the fourth school day of September and the first school day for the months, October through August.

AMENDATORY SECTION (Amending WSR 23-13-089, filed 6/16/23, effective 7/1/23)

WAC 392-121-123 Nonstandard school year programs. Except for running start, a student participating in a program of education occurring during the nonstandard school year on a tuition-free basis may be claimed for state funding to the extent that the student was not claimed as a 1.0 AAFTE during the regular school year (September through June), subject to the following:

(1) Eligible student FTE in a nonstandard school year program shall be claimed based upon the following:

(a) Enrolled hours based upon the standards in WAC 392-121-122 or 392-121-182.

(b) Credit based for student enrolled in a college program under WAC 392-121-188.

(c) A student enrolled in transition school is not eligible for nonstandard school year funding.

(2) A district or charter school shall make month by month evaluation of the student to determine if the following conditions were met during the regular school year:

(a) The student was not home schooled or enrolled in a private school.

(b) The student was not claimed as a 1.0 FTE in a regular or institution education program.

(3) For each month in which the conditions of subsection (2) of this section are met, the district or charter school shall determine the amount of student FTE claimed for the student. To the extent the enrollment claimed is less than 1.0 FTE for each month, the school district or charter school may claim nonstandard school year FTE based

upon the student enrollment in the nonstandard school year school program.

(4) For the running start program only, a student may be claimed up to 1.40 AAFTE for their running start enrollment.

AMENDATORY SECTION (Amending WSR 22-15-119, filed 7/20/22, effective 8/20/22)

WAC 392-121-136 Limitation on enrollment counts. Enrollment counts under WAC 392-121-106 through 392-121-133 are subject to the following limitations:

(1) Except as provided in (a), (b) and (c) of this subsection, no student, including a student enrolled in more than one school district, shall be counted as more than one full-time equivalent student on any count date or more than one annual average full-time equivalent student in any school year.

(a) School districts or charter schools operating approved vocational skills center programs during the summer vacation months may claim additional full-time equivalent students based upon actual enrollment in such vocational skills centers on the aggregate of enrolled hours based upon the fourth day of each summer session.

(i) Prior to the 2018-19 school year, each district or charter school operating an approved vocational skills center program shall be entitled to claim one annual average full-time equivalent student for each 900 hours of planned student enrollment for the summer term(s) subject to the limitation in (c) of this subsection.

(ii) Beginning with the 2018-19 school year, each district or charter school operating an approved vocational skills center program shall be entitled to claim one annual average full-time equivalent student for each 1,000 hours of planned student enrollment for the summer term(s) subject to the limitation in (c) of this subsection.

(b) Enrollment count limitations apply separately to a student's running start, skills center and high school enrollments and is limited to an overall maximum ((~~1.8~~)) 2.0 FTE.

(c) Subject to (b) of this subsection:

(i) A student enrolled in a skill center program during the regular school year may be claimed for up to a combined 1.6 full-time equivalent student.

(ii) A student enrolled in running start during the regular school year may be claimed for up to a combined ((~~1.2~~)) 1.4 full-time equivalent student.

(iii) A student enrolled in high school and skills center for more than 1.0 FTE, can be claimed for a ((~~0.2~~)) 0.4 running start FTE.

(iv) A student enrolled in an institutional education program under WAC 392-122-205 and a youth engagement program under chapter 392-700 WAC can be claimed up to a combined 2.0 FTE.

(v) Each student may be claimed for a maximum of a 1.0 full-time equivalent for the skills center enrollment, a maximum of a ((~~1.0~~)) 1.40 full-time equivalent for running start, a maximum of a 1.0 full-time equivalent for the student's high school enrollment, and a maximum of a 1.0 full-time equivalent for institutional education funding under WAC 392-122-225 subject to the overall combined FTE limitation in (b) of this subsection.

(2) Running start enrollment counts are limited as provided in chapter 392-169 WAC and specifically as provided in WAC 392-169-060.

(3) The full-time equivalent reported for a five year old preschool student with a disability is limited as provided in WAC 392-121-137.

(4) No kindergarten student, including a student enrolled in more than one school district, shall be counted as more than one-half of an annual average full-time equivalent student in any school year.

(5) A student reported as part-time by a state institution educational program on Form SPI E-672 shall not be reported by a school district or charter school for more than part-time basic education funding on that enrollment count date and the total enrollment reported by one or more school districts or charter schools for basic education and on Form SPI E-672 must not exceed one full-time equivalent, except if the student is enrolled in a youth reengagement program under chapter 392-700 WAC.

(6) Districts and charter schools providing an approved state-funded full-day kindergarten program as provided in chapter 28A.150 RCW (from E2SSB 5841) may claim for an additional 0.50 FTE based upon student enrolled hours in excess of the 0.50 FTE provided under subsection (4) of this section.

AMENDATORY SECTION (Amending WSR 13-02-004, filed 12/19/12, effective 1/19/13)

WAC 392-121-187 Technical college direct-funded enrollment. Enrollment in a technical college pursuant to an interlocal agreement with a school district as provided in RCW 28B.50.533 may be counted as course of study generating state moneys payable directly to the technical college as provided in this section.

(1) The technical college shall submit a written request to the superintendent of public instruction and for each school district whose students are to be claimed by the college shall provide a copy of the interlocal agreement signed by the school district superintendent and the technical college president or authorized officials of the school district and college.

(2) The technical college shall report enrolled students monthly (September through June) to the superintendent of public instruction pursuant to this chapter and instructions provided by the superintendent. A separate report shall be submitted for each school district whose students are reported. Reports of students eligible for state basic education support shall show the total number of students served and total nonvocational and vocational FTE students on the monthly count date. Reports shall also show the name of each student, hours of enrollment per week on the monthly count date, and the nonvocational and vocational full-time equivalent reported for the student on the count date. Technical colleges claiming direct state handicapped funding under the interlocal agreement shall also report the number of enrolled handicapped students by handicapping category on the count dates of October through June pursuant to WAC 392-122-160 and chapter 392-172A WAC.

(3) The technical college shall report monthly to each school district whose students are served pursuant to this section. The report shall include at a minimum the data reported to the superintendent of public instruction pursuant to subsection (2) of this section.

(4) The technical college shall report only students who:

(a) Were under ((~~twenty-one~~)) 21 years of age at the beginning of the school year. For students receiving special education services, those who are under the age of 22 at the beginning of the school year;

(b) Are enrolled tuition-free;

(c) Are enrolled in a school district with which the technical college has a signed interlocal agreement on file with the superintendent of public instruction pursuant to subsection (1) of this section;

(d) Are enrolled in the school district for the purpose of earning a high school diploma or certificate; and

(e) Have actually participated in instructional activity at the technical college during the current school year.

(5) Enrollments claimed for state basic education funding by the technical college:

(a) Shall be for courses for which the student is earning high school graduation credit through the school district or the technical college; and

(b) Shall not include:

(i) Enrollment which is claimed by the school district for state funding; or

(ii) Enrollment which generates state or federal moneys for higher education, adult education, or job training for the technical college.

(6) Full-time equivalent students reported by the technical college for state basic education funding shall be determined pursuant to WAC 392-121-106 through ((~~392-121-183~~)) 392-121-182 except that the enrollment count dates shall be for the months of September through June. If a student is enrolled in courses provided by the school district as well as courses provided by the technical college, the combined full-time equivalents reported by the school district and the technical college are limited by WAC 392-121-136.

(7) The superintendent of public instruction shall make quarterly payments to the technical college as follows:

(a) Basic education allocations shall be determined pursuant to chapter 392-121 WAC based on average enrollments reported by the technical college for each school district times the average allocation per full-time equivalent high school student of the school district: Provided, that allocations for students enrolled in school districts with no more than two high schools with enrollments of less than ((~~three hundred~~)) 300 annual average full-time equivalent students shall be at the incremental rate generated by students in excess of ((~~sixty~~)) 60 annual average full-time equivalent students. Allocations for nonvocational and vocational full-time equivalent enrollments shall be calculated separately.

(b) Handicapped allocations shall be determined pursuant to WAC ((~~392-122-100~~)) 392-122-106 through 392-122-165 based on average handicapped enrollments and the school district's average allocation per handicapped student in each handicapping category.

(c) Quarterly payments shall provide the following percentages of the annual allocation:

December	30%
March	30%
June	20%
August	20%

RDS-6626.1

AMENDATORY SECTION (Amending WSR 21-04-039, filed 1/26/21, effective 2/26/21)

WAC 392-122-220 State institutional education program—Enrolled institutional education program student. A student may be counted as an enrolled institutional education program student under the following conditions:

(1)(a) The student is in a program in a department of corrections facility and is either:

(i) Under ((~~eighteen~~)) 18 years of age; or

(ii) Eighteen years of age and is continuing in the institutional education program with the permission of the department of corrections and the education provider; or

(b) The student is under ((~~twenty-one~~)) 21 years of age at the beginning of the school year ((~~and~~)). For a student receiving special education services, the student is under the age of 22 at the beginning of the school year;

(c) The student is either:

(i) In a residential school as defined in RCW 28A.190.020; or

(ii) Confined in a county juvenile detention center within the meaning of confinement provided in RCW 13.40.020;

(2) The student is scheduled to engage in educational activity in the institutional education program during the current week under WAC 392-122-212;

(3) During the current school year, the student has engaged in educational activity in the institutional education program provided or supervised by educational certificated staff under WAC 392-122-212; and

(4) The student does not qualify for any of the enrollment exclusions in WAC 392-122-221.

RDS-4902.3

AMENDATORY SECTION (Amending WSR 16-10-115, filed 5/4/16, effective 6/4/16)

WAC 392-169-015 Running start program—Definition. As used in this chapter, the terms "running start" and "running start program" mean the part-time to full-time equivalent enrollment under this chapter of students eligible ((~~eleventh and twelfth~~)) to be in 11th and 12th grade ((~~high school students~~)), as defined under this chapter, in an institution of higher education for the purpose of earning ((~~at least~~)) high school credit to be awarded by a school district, and such additional college level or university level credit as may be awarded by the institution of higher education. A running start program's course must be open for registration to matriculated students at the participating institution of higher education and may not be a course consisting solely of high school students in a high school classroom.

AMENDATORY SECTION (Amending WSR 16-10-115, filed 5/4/16, effective 6/4/16)

WAC 392-169-020 Eligible student—Definition. As used in this chapter, the term "eligible student" means any person, including a person who is otherwise attending a private school or receiving home-based instruction, who meets each of the following conditions:

(1) The person is under the age of ((~~twenty-one~~)) 21 years of age as of September 1st of the school year. For a person receiving special education services, the person is under the age of 22 at the beginning of the school year.

(2) The person is eligible by reason of his or her residence or other criterion established by law to enroll in the school district through which the person seeks to obtain the award of running start program high school credit. See RCW 28A.225.160 (residents of a school district), RCW 28A.225.170 (residents of the United States and Indian Reservations), RCW ((~~28A.225.210~~)) 28A.225.200 (residents of "nonhigh" school districts), and RCW 28A.225.220 ("choice" students). Note: A running start student who changes his or her school district of residence, including after a rescindment of a choice transfer agreement following enrollment in running start, solely for the purpose of attending an institution of higher education under this chapter shall be deemed to have retained his or her residence in the school district of initial running start enrollment for high school graduation, funding and other purposes under this chapter.

(3) The person is eligible to be in the 11th or 12th grade under the grade placement policies of the school district through which the person seeks to obtain running start program high school credit ((~~to be in the eleventh or the twelfth grade~~)). For the summer term, eligibility is established when the person has completed the 10th grade at the end of the standard school year or will be eligible to enroll in the 11th or 12th grade in the upcoming school year based upon district grade placement policies.

(4) The person has not as of the beginning of the school year earned the credits required for the award of a high school diploma by the school district through which the person seeks to obtain the award of running start program high school credit.

(5) The person has not as of the beginning of the school year received a high school diploma or its equivalent. Note: A general education development certificate is not considered to be the equivalent of a high school diploma for purposes of this subsection.

(6) The person's running start program enrollment to date is below the applicable ((~~eleventh or twelfth~~)) 11th or 12th grade running start enrollment limitations established under WAC 392-169-055.

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

WAC 392-169-022 Running start student—Definition. For the purposes of this chapter and chapter 392-121 WAC, the term "running start student" means an eligible student:

(1) Who is enrolled in the running start program in accordance with this chapter on the enrollment count date identified in WAC 392-169-100;

(2) Whose enrollment has not been suspended or terminated by withdrawal, transfer, suspension or expulsion; and

(3) Who has participated in one or more instructional activities conducted by college or university staff (e.g., classroom or laboratory instruction, course work testing, post enrollment/registration academic counseling, and similar other instructional activities) on at least one college or university day ((~~during~~)) within the current ((~~quarter or semester~~)) term since the last enrollment count date.

AMENDATORY SECTION (Amending WSR 16-10-115, filed 5/4/16, effective 6/4/16)

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

(1) FTE for running start enrollment is the result of dividing a student's enrolled college credits by ((~~fifteen~~)) 15. For Washington State University classes offered at the college campus only, the FTE for running start enrollment is the result of dividing a student's enrolled college semester credits by ((~~fifteen~~)) 15.

(2) The sum of ((~~the results of~~)) all running start enrollment under subsection (1) of this section at all colleges shall not exceed ((~~1.00~~)) 1.40 FTE per student on any count day ((~~except for the month of January~~)) or ((~~1.00~~)) 1.40 annual average FTE in any school year.

AMENDATORY SECTION (Amending WSR 23-13-089, filed 6/16/23, effective 7/1/23)

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

(1) An eligible student who enrolls upon completion of grade 10 after the end of the standard school year and/or will be eligible to enroll in the 11th grade in the upcoming school year based on district grade placement policies may enroll in an institution of higher education for no more than the course work equivalent to 10 postsecondary credits in the summer term prior to enrolling in grade 11.

(2) An eligible student who enrolls in grade 11 may enroll in an institution of higher education while in the 11th grade for ((~~no more than the course work equivalent to one academic year of enrollment as an annual average full-time equivalent running start student.~~

~~(2)~~)) the course work equivalent to a maximum of 1.40 AAFTE over the course of the entire school year, including the summer term following the standard school year, depending on the student's concurrent enrollment in high school and/or skill center courses, subject to the AAFTE limitation under WAC 392-121-136.

(3) An eligible student who enrolls in grade 12 may enroll in an institution of higher education while in the 12th grade for ((~~no more than the course work equivalent to one academic year of enrollment as an annual average full-time equivalent running start student.~~

~~(3) As a general rule~~)) the course work equivalent to a maximum of 1.40 AAFTE over the course of the entire school year, including the summer term following the standard school year, depending on the student's concurrent enrollment in high school and/or skill center courses, subject to the AAFTE limitation under WAC 392-121-136.

(4) An eligible student who enrolls in summer term must have the capacity under the AAFTE limits established in subsections (2) and (3) of this section and may enroll for no more than the course work equivalent of 10 postsecondary credits.

(5) Even when a student does not enroll at the postsecondary level to the full extent permitted by subsections (1) through (4) of this section, a student's eligibility for running start program enrollment terminates at the end of the ((~~student's 12th grade regular academic year, notwithstanding the student's failure to have enrolled in an institution of higher education to the full extent permitted by subsections (1) and (2) of this section: Provided, That a student who has failed to meet high school graduation requirements as of the end of the student's 12th grade regular academic year (September through June) due to the student's absence, the student's failure of one or more courses, or another similar reason may continue running start program enrollment for the sole and exclusive purpose of completing the particular course or courses required to meet high school graduation requirements, subject to the enrollment limitation established by subsection (2)~~)) school year in which a student meets the district's graduation requirements for high school graduation or the college's credit requirements for the award of an associate or applied associate degree.

(6) Students who have not yet graduated as of the end of the 12th grade standard school year would be eligible to enroll in the summer college term, provided they have capacity under AAFTE limits established in subsection (3) of this section.

(7) A student who has failed to meet high school graduation requirements as of the end of the student's 12th grade year due to the student's absence, the student's failure of one or more courses, or another similar reason may continue running start program enrollment for the sole and exclusive purpose of completing the particular course or courses required to meet high school graduation requirements, subject to the enrollment limitation established by subsection (3) of this section.

AMENDATORY SECTION (Amending WSR 23-13-089, filed 6/16/23, effective 7/1/23)

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

(1) For community and technical colleges and for Central Washington University and Eastern Washington University:

(a) For the first full month of each term, the fourth college or university day of the month;

(b) For all other months between November and August, the first college or university day of ((~~each of the months of October through August; and~~)) the month.

(2) For Washington State University:

(a) For the first full month of each term, the fourth university day of the month;

(b) For all other months between October and July, the first university day of ((~~each of the months of September through July~~)) the month.

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

WAC 392-169-105 Finance—Institution of higher education reporting requirements. Each institution of higher education that enrolls an eligible student under this chapter shall periodically report enrollment information as follows:

(1) Within ((~~ten~~)) 10 calendar days of enrollment of the student, provide written notice to the student((~~,~~)) and the school district through which the student seeks to obtain running start program high school credit of the courses and the credit hours or instructional/clock hours of enrollment.

For monthly counts, the institution of higher education may report an enrollment estimate to comply with the reporting deadline. When an estimate is used, the institution must provide a revised final enrollment number no later than the next regular reporting date.

(2) After each monthly count date, the institution of higher education shall report running start student enrollments by the eighth day of the month to the school district through which the student seeks to obtain the award of running start program high school credit as is necessary for the school district to claim state running start basic education program moneys under this chapter and chapter 392-121 WAC.

(3) The monthly report shall be prepared in accordance with instructions provided by the superintendent of public instruction, and shall include, but not necessarily be limited to, the following:

(a) The total number of enrolled running start students on the count date (see the definition of a "running start student" in WAC 392-169-022);

(b) Total nonvocational running start FTE enrollment;

(c) Total vocational running start FTE enrollment; and

(d) The name of each running start student and the nonvocational and vocational running start FTE reported for the student rounded to the nearest second decimal place.

AMENDATORY SECTION (Amending WSR 13-02-006, filed 12/19/12, effective 1/19/13)

WAC 392-169-115 Finance—Limitations on enrollment counts. ((~~No running start student enrolled in one or more institutions of higher education reported under WAC 392-169-105 and 392-169-110 shall exceed one full-time equivalent running start student on any enrollment count~~

~~date except for the month of January or more than one annual average full-time equivalent student in any school year. An exception is allowed for January when the change in high school semesters may result in students exceeding the FTE limitation until the high school begins a new term.~~)) A student enrolled in both high school and running start may be claimed for a maximum of 1.40 combined monthly FTE and a maximum of 1.40 AAFTE.

(1) The high school may only claim a maximum of 1.00 FTE and AAFTE.

(2) A student whose enrollment is reported under WAC 392-169-105 and 392-169-110 may be claimed up to a 1.40 monthly FTE on any enrollment count date. No student may be claimed for more than 1.40 AAFTE in any school year.

(3) An exception is allowed for December and January when the high school term overlaps with the institution of higher education term but may result in a reduction of the available FTE for the spring term.

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

WAC 392-169-120 Finance—Documentation requirements. School districts and institutions of higher education shall maintain documentation supporting running start student enrollment and state funding claims, including the following:

(1) For each enrolled course, the institution of higher education documentation shall show each student's college or university enrollment status on each enrollment count date and evidence of the student's participation in college or university instructional activities conducted by college or university staff within the current term and on at least one college or university day since the last enrollment count date. See WAC 392-169-022(3) for a description of required "instructional activities."

(2) School district documentation shall show each student's school district enrollment status on each enrollment count date and evidence that the student is earning high school ((~~graduation~~)) credit for running start enrollment reported for state funding.

RDS-6627.1

AMENDATORY SECTION (Amending WSR 21-19-065, filed 9/14/21, effective 10/15/21)

WAC 392-172A-02000 Students' rights to a free appropriate public education (FAPE). (1) Each school district and residential or day schools operated under chapters 28A.190 and 72.40 RCW shall provide every student who is eligible for special education services between the age of three and ((~~twenty-one~~)) 22 years, a free appropriate public education program (FAPE). The right to a FAPE includes special education services for students who have been suspended or expelled from

school. A FAPE is also available to any student determined eligible for special education services even though the student has not failed or been retained in a course or grade and is advancing from grade to grade. The right to special education services for eligible students starts on their third birthday with an IEP in effect by that date. If an eligible student's third birthday occurs during the summer, the student's IEP team shall determine the date when services under the individualized education program will begin.

(2) A student who is determined eligible for special education services shall remain eligible until one of the following occurs:

(a) A group of qualified professionals and the parent of the student, based on a reevaluation, determines the student is no longer eligible for special education services; or

(b) The student has met high school graduation requirements established by the school district pursuant to rules of the state board of education, and the student has graduated from high school with a regular high school diploma. A regular high school diploma does not include a certificate of high school completion, or a general educational development credential. Graduation from high school with a regular high school diploma constitutes a change in placement, requiring written prior notice in accordance with WAC 392-172A-05010; or

(c) The student enrolled in the public school system or is receiving services pursuant to chapter 28A.190 or 72.40 RCW has reached age ((~~twenty-one~~)) 22. The student whose ((~~twenty-first~~)) 22nd birthday occurs on or before August 31 would no longer be eligible for special education services. The student whose ((~~twenty-first~~)) 22nd birthday occurs after August 31, shall continue to be eligible for special education and any necessary related services for the remainder of the school year; or

(d) The student stops receiving special education services based upon a parent's written revocation to a school district pursuant to WAC 392-172A-03000 (2)(e).

AMENDATORY SECTION (Amending WSR 21-19-065, filed 9/14/21, effective 10/15/21)

WAC 392-172A-02005 Exceptions to a student's right to FAPE. (1) A student eligible for special education services residing in a state adult correctional facility is eligible for special education services pursuant to chapter 28A.193 RCW. The department of corrections is the agency assigned supervisory responsibility by the governor's office for any student not served pursuant to chapter 28A.193 RCW.

(2)(a) Students determined eligible for special education services and incarcerated in other adult correctional facilities will be provided special education and related services under chapter 28A.194 RCW.

(b) Subsection (2)(a) of this section does not apply to students aged ((~~eighteen to twenty-one~~)) 18 to 22 if they:

(i) Were not actually identified as being a student eligible for special education services; and

(ii) Did not have an IEP; unless the student:

(A) Had been identified as a student eligible for special education services and had received services in accordance with an IEP, but who left school prior to incarceration; or

(B) Did not have an IEP in his or her last education setting, but who had actually been identified as a student eligible for special education services.

AMENDATORY SECTION (Amending WSR 21-19-065, filed 9/14/21, effective 10/15/21)

WAC 392-172A-02055 Continuum of alternative placements. (1) Each school district shall ensure that a continuum of alternative placements is available to meet the special education and related services needs of students eligible for special education services between the ages of three and ((~~twenty-one~~)) 22 years old.

(2) The continuum required in this section for eligible students kindergarten (including five year olds in kindergarten) through age ((~~twenty-one~~)) 22 must:

(a) Include the placements listed in the definition of special education services in WAC 392-172A-01175, such as instruction in general education classes, special education classes, special schools, home instruction, and instruction in hospitals and institutions; and

(b) Make provision for supplementary services such as resource room or itinerant instruction to be provided in conjunction with general education classroom placement.

(3) The continuum of alternative placements a public agency providing special education and related services to a preschool child with a disability may include, but is not limited to, the following:

(a) Providing opportunities for the participation of preschool children with disabilities in preschool programs operated by public agencies other than school districts (such as head start or community-based child care);

(b) Enrolling preschool children with disabilities in private preschool programs for nondisabled preschool children;

(c) Locating classes for preschool children with disabilities in regular public elementary schools; and

(d) Providing services and instruction in the home.

(4) If a public agency determines that placement in a private preschool program is necessary for a child with a disability to receive FAPE, the public agency must make that program available at no cost to the parent.

RDS-6628.1

AMENDATORY SECTION (Amending WSR 22-15-119, filed 7/20/22, effective 8/20/22)

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

(a) Under 21 years of age at the beginning of the school year but whose 16th birthday occurs on or before September 1st. For a student receiving special education services, the person is under the age of 22 at the beginning of the school year;

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

(c) At the time the student enrolls, the student is significantly behind in credits based on the student's cohort graduation date. The cohort graduation date is established as the end of the fourth school year after a student first enrolls in the ninth grade.

(i) A student who is more than 24 months from their cohort graduation date and has earned less than 65 percent of the high school credits expected to be earned by their cohort or has a ratio of earned credits to attempted credits that is less than 65 percent. A cohort is the group of students that enter the ninth grade in the same school year;

(ii) A student who is between 12 and 24 months from their cohort graduation date and has earned less than 70 percent of the high school credits expected to be earned by their cohort or has a ratio of earned credits to attempted credits that is less than 70 percent;

(iii) A student who is less than 12 months from their cohort graduation date or who has passed their cohort graduation date by less than 12 months and has earned less than 75 percent of the high school credits expected to be earned by their cohort or has a ratio of earned credits to attempted credits that is less than 75 percent;

(iv) A student who is passed their cohort graduation date by 12 months or more and has not met their district, tribal compact school, or charter school graduation requirements; or

(v) A student who has never attended the ninth grade and has earned zero high school credits.

(d) If determined not to be credit deficient as outlined in (c) of this subsection, has been recommended for enrollment by case managers from the department of social and health services, the juvenile justice system, a district, tribal compact school, or charter school designated school personnel, or staff from community agencies which provide educational advocacy services;

(e) Are not currently enrolled in any high school classes that receive state basic education funding, excluding an approved skill center program, a Jobs for Washington's Graduates program, running start program, or institutional education program under WAC 392-122-205;

(f) Students who are claimed for state funding by a district, tribal compact school, or charter school outside the district they live in, must be released by either a choice transfer or interdistrict agreement. When a choice transfer is in place, the student's resident district as defined in WAC 392-700-015(24) becomes the district operating the program.

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

(a) Earns a high school diploma;

(b) Earns an associate degree; or

(c) Becomes ineligible because of age which occurs when a student is 21 years of age as of September 1st. Students receiving special education services can continue until the end of the school year when they turn 22.

(3) A student's eligibility does not guarantee enrollment or continued enrollment in specific programs if the program determines that the student does not meet the program's enrollment criteria or if, af-

ter enrollment, a student's academic performance or conduct does not meet established program guidelines.

WSR 26-17-076
EMERGENCY RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed August 17, 2026, 10:09 a.m., effective August 17, 2026, 10:09 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule making is to reduce the financial impact to school districts' school bus replacement and depreciation payments due to the passing of ESSB 6260 (2026). The monetary effect due to the change in school bus depreciation lifetimes was greater than intended. The amended rule language will meet the fiscal goal of the bill while lessening the financial burden on school districts.

The office of superintendent of public instruction (OSPI) will also conduct permanent rule making concerning these rules.

Citation of Rules Affected by this Order: Amending WAC 392-142-100 and 392-142-245.

Statutory Authority for Adoption: ESSB 6260 (2026); and RCW 28A.150.290.

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 emergency rule is necessary to be in place by the end of August 2026 to amend the depreciation and replacement calculation formulas that will prevent significant funding reductions.

OSPI will also conduct permanent rule making concerning these 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 2, Repealed 0.

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

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

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

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

Date Adopted: August 17, 2026.

Chris P.S. Reykdal
State Superintendent of Public Instruction

RDS-7357.1

AMENDATORY SECTION (Amending WSR 15-11-076, filed 5/19/15, effective 6/19/15)

WAC 392-142-100 Definitions. For the purposes of this chapter, the following definitions apply:

(1) **"Superintendent"** means the superintendent of public instruction.

(2) **"District"** means a public school district or educational service district.

(3) **"Charter school"** means a public school operating under the provisions of chapter 28A.710 RCW.

(4) **"School bus"** means a vehicle:

(a) With a seating capacity of more than ((~~ten~~)) 10 persons including the driver;

(b) Used for transportation of students to and from school or in connection with school activities; and

(c) That meets the requirements of the school bus specifications manual published by the superintendent.

(5) **"Replacement system"** is the reimbursement process used for school buses when a district is the legal owner.

(6) **"Depreciation system"** is the reimbursement process used for contractor-owned school buses operated under a contract with a district to provide regularly scheduled to-and-from student transportation services.

(7) **"Charter school system"** is the reimbursement process used when a charter school is contracting transportation services.

(8) **"School bus categories"** are defined annually by the superintendent, taking into account such factors as student capacity, fuel type, and special equipment.

(9) **"System lifetime"** means the minimum number of months that a category of school bus is expected to be in use as determined by the superintendent.

(10) **"Eligible months"** are defined as the number of months a school bus is eligible for reimbursement payments within a school year. If a newly acquired school bus is eligible for reimbursement, such eligibility is determined by the issue date of the school bus operation permit as defined in WAC 392-143-010(4). If the issue date is prior to the 15th of any month, eligibility begins with the first of the month; otherwise eligibility begins with the first of the following month. The total number of eligible months in all school years shall not be more than the system lifetime.

(11) A school bus is defined as **"improperly maintained or operated"** when it is unable to pass the Washington state patrol inspection process within ((~~ninety~~)) 90 days of the date requested for presentation. The school district may request the superintendent for an additional ((~~ninety~~)) 90 days to arrange for repairs to the school bus. Improper operation includes use of a school bus without a valid school bus operation permit issued by the superintendent.

(12) The **"state school bus quote"** means the annual sealed bid process used by the superintendent as authorized by RCW 28A.160.195 to establish prices for districts to purchase school buses for a school year. Districts may purchase school buses from any school bus dealer's accepted bid.

(13) The **"low price quote"** means the lowest competitive price quote for each category of school bus received from school bus dealers in the state school bus quote. The low price quote is determined prior

to the inclusion of any sales or use tax. Included in the low price quote are:

(a) Freight to the district; and

(b) Cost associated with full payment within ((~~thirty~~)) 30 days of delivery.

In the state school bus quote process, the superintendent may include options for districts to purchase that are not included in the low price quote.

(14) **"State-determined purchase price"** is defined as the low price quote including any sales and use taxes at the highest rate that could be charged to any district in the state by the school bus dealer submitting that quote.

(15) **"Average price"** is defined as ((~~the~~)) no more than a five-year average of the low price quote for each school bus category. The average price is determined using the current and four previous school years' state school bus quote.

(16) **"System price"** means the price used to calculate the payment in a given school year, as follows:

(a) For the replacement system, the system price for a school bus for all years except the final year is the average price. For the final year, the system price is the current state determined purchase price.

(b) For the depreciation system, the system price for a school bus for all years is the first year's state determined purchase price.

(c) Until September 1, 2028, the office of superintendent of public instruction will adjust the system price used for calculation purposes to address the transition to longer system lifetimes and required zero emission calculation prices. During this transition period, adjustments to the system price will be posted to the office's website.

(17) **"Total school bus replacement payments"** means the sum of all replacement payments for a school bus for prior school years.

(18) **"Assumed interest earnings"** means the sum of interest which is assumed to be earned on money assumed to be available in the transportation vehicle fund from any prior replacement payments and any previous interest earnings for a school bus. The rate used to calculate assumed interest earnings shall be the average of the ((~~ninety~~)) 90-day treasury bill rate during the previous state fiscal year calculated on the basis of simple interest.

(19) The **"salvage value"** of a school bus is defined as ((~~twenty-five~~)) 25 percent of the first year's state determined purchase price divided by the system lifetime in years.

AMENDATORY SECTION (Amending WSR 12-19-098, filed 9/19/12, effective 10/20/12)

WAC 392-142-245 Calculation of depreciation system payments. To calculate the depreciation system payment for a contractor-owned school bus, the superintendent shall:

(1) Assign the school bus to the appropriate category;

(2) Divide the first year state supported price by the system lifetime; ((~~and~~))

(3) Multiply the result by the number of eligible months in the current school year; and

(4) Average remaining payments by eligible months in the current school year for school buses on the depreciation schedule prior to September 1, 2025, and zero emission school buses purchased September 2025 through August 2028.

WSR 26-17-082
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 26-155—Filed August 17, 2026, 4:14 p.m., effective August 20, 2026]

Effective Date of Rule: August 20, 2026.

Purpose: This emergency rule closes Chinook retention in Green (Duwamish) River, as well as fishing in critical spawning habitat during peak Chinook spawning activity.

Citation of Rules Affected by this Order: Amending WAC 220-312-040.

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

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

Reasons for this Finding: This emergency rule is necessary to close Chinook retention in Green (Duwamish) River, as well as fishing in critical spawning habitat during peak Chinook spawning activity, because in-season fishery data indicate the Chinook return to Green River is much smaller than forecasted. This rule change is necessary to help ensure broodstock and natural spawning goals are reached. 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 the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0 [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 17, 2026.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-04000H Freshwater exceptions to statewide rules—Puget Sound. Effective August 20, until further notice, the provisions of WAC 220-312-040 regarding recreational salmon seasons for Green (Duwamish) River from Tukwila International Boulevard/Old Highway 99 to the South 212th Street Bridge, and game fish seasons from the Auburn Black Diamond Road Bridge to the Tacoma Municipal Boundary Marker shall be modified as described in this section. All other provisions

of WAC 220-312-040 not addressed in this section, or unless otherwise amended by emergency rule, remain in effect:

(1) Green (Duwamish) River, from Tukwila International Boulevard/Old Highway 99 upstream to the South 212th Street Bridge:

August 20, 2026, until further notice: Salmon daily limit is 6 including no more than three of any combination of chum and adult coho. Release Chinook.

(2) Green (Duwamish) River, from Auburn Black Diamond Road Bridge to the Tacoma Municipal Boundary Marker:

September 16 through October 31, 2026: Game fish closed.

WSR 26-17-083
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 26-158—Filed August 17, 2026, 4:18 p.m., effective August 17, 2026, 4:18 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose:

WAC 220-340-52000A:

(1) Closes Subarea 23A-E and Region 5 to commercial spot shrimp harvest effective one hour after official sunset on August 17, 2026.

(2) Implements hard closure dates for all open spot shrimp areas.

WAC 220-340-52500G:

(1) Closes that portion of Marine Fish-Shellfish (MFSF) Catch Area 20A in Subregion 1C to commercial nonspot shrimp harvest for Puget Sound shrimp pot license holders effective immediately.

(2) Closes the portion of MFSF Catch Area 20B in Subregion 1B to commercial nonspot harvest by Puget Sound nonspot shrimp pot license holders effective immediately.

(3) Implements hard closure dates for all open nonspot shrimp areas.

Citation of Rules Affected by this Order: Repealing WAC 220-340-52000Z and 220-340-52500F; and amending WAC 220-340-520 and 220-340-525.

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

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

Reasons for this Finding: This emergency rule is necessary to stay within the agreed-to quotas and seasons for spot and nonspot harvest in Regions 1, 2W, 3, and 5. Permanent rules regulating state commercial shrimp harvest in the Puget Sound and Strait of Juan de Fuca require adoption of harvest seasons contained in this emergency rule.

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 the 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 17, 2026.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-52000A Commercial spot shrimp pot fishery—Puget Sound. Notwithstanding the provisions of WAC 220-340-520, effective immediately, until further notice, it is unlawful to fish for spot shrimp for commercial purposes using pot gear in Puget Sound except as provided for in this section:

Spot shrimp pot harvest seasons and accounting periods:

(a) Spot shrimp harvest open periods:

Geographical Management Unit (WAC 220-320-140; WAC 220-320-120)	Open Period
Subregion 1A	Closed.
Subregion 1B	Closed.
Subregion 1C	Open immediately, through September 15, 2026.
Region 2E	Closed.
Region 2W	Closed.
Subarea 23A-E	Open immediately, through August 17, 2026.
Subarea 23A-W	Open immediately, through September 15, 2026.
Subarea 23A-C and Marine Fish-Shellfish (MFSF) Catch Area 23B	Open immediately, through September 15, 2026.
Subarea 23A-S and MFSF Catch Area 23D	Open immediately, through September 15, 2026.
MFSF Catch Area 23C	Open immediately, through September 15, 2026.
MFSF Catch Area 25A, excluding the Discovery Bay Shrimp District	Closed.
Discovery Bay Shrimp District	Closed.
MFSF Catch Area 29 (Straits - Neah Bay)	Open immediately, through September 15, 2026.
Subarea 26B-1 and MFSF Catch Area 26C	Closed.
Subarea 26B-2	Closed.
Region 5	Open immediately, through August 17, 2026.
MFSF Catch Area 26D	Closed.
MFSF Catch Areas 28A, 28B, 28C, and 28D	Closed.

(b) The first spot shrimp catch accounting period:

(i) Runs from one hour before official sunrise May 1, through one hour after official sunset August 30, 2026.

(ii) It is unlawful for the combined total harvest during the first spot shrimp accounting period to have exceeded 5,200 pounds of spot shrimp per license from all Geographical Management Units combined, except for MFSF Catch Area 29. Catch from MFSF Catch Area 29 does not contribute towards a license's catch accounting period harvest limit.

(c) Spot shrimp harvested from different geographical management units (as noted in subsection (a)) on the same day must be kept physically separate and labeled with the MFSF Catch Area of harvest.

(d) It is lawful to possess deactivated non-spot shrimp pots onboard a commercial vessel that is listed on a Puget Sound shrimp pot license while fishing for spot shrimp. A deactivated pot is un-baited, has the drawstring or door fastened open, and/or is unable to be readily fished.

NEW SECTION

WAC 220-340-52500G Commercial nonspot shrimp pot fishery—Puget Sound. Notwithstanding the provisions of WAC 220-340-520, effective immediately, until further notice, it is unlawful to fish for nonspot shrimp for commercial purposes using pot gear in Puget Sound except as provided for in this section:

(1) All buoys fished on a single vessel must be marked with the unique numeric buoy brand issued to them by the department and prefaced by fishery specific designation:

(a) Buoy brands on buoys attached to nonspot shrimp gear deployed by Puget Sound shrimp pot license holders or operators must be prefaced with an "N" (i.e. "N-0000").

(b) Buoy brands on buoys attached to nonspot shrimp gear deployed by Puget Sound nonspot shrimp pot license holders or operators must be prefaced with an "M" (i.e. "M-0000").

(2) Nonspot shrimp pot harvest seasons and accounting periods:

(a) Nonspot shrimp harvest pot open periods and areas for Puget Sound Shrimp Pot license holders and operators:

Geographical Management Unit (WAC 220-320-140; WAC 220-320-120)	Open Period
Subregion 1A	Closed.
Subregion 1B	Closed.
Subregion 1C/MFSF Catch Area 20A	Open immediately, through August 17, 2026.
Region 2E	Closed.
Region 2W	Open immediately, through October 15, 2026
Region 3, not including Discovery Bay Shrimp District	Open immediately, through October 15, 2026
Discovery Bay Shrimp District	Open immediately, through October 15, 2026
Region 4	Closed.
Region 5	Closed.
Region 6	Closed.

(i) Nonspot shrimp catch accounting periods:

Period Number	Start Date	End Date
1	5/1/2026	5/12/2026
2	5/13/2026	5/26/2026
3	5/27/2026	6/9/2026
4	6/10/2026	6/23/2026
5	6/24/2026	7/7/2026
6	7/8/2026	7/21/2026
7	7/22/2026	8/4/2026
8	8/5/2026	8/18/2026
9	8/19/2026	9/1/2026
10	9/2/2026	9/15/2026
11	9/16/2026	9/29/2026
12	09/30/2026	10/15/2026

(ii) The nonspot shrimp catch accounting periods begin one hour before official sunrise and end one hour after official sunset on the date listed.

(iii) It is unlawful for Puget Sound Shrimp Pot license holders or operators total harvest of nonspot shrimp to exceed 1,400 pounds per non-spot shrimp catch accounting period from subregions 1B, 1C, and Region 2E combined during catch accounting periods 1 through 12.

(iv) There is no weekly harvest limit of non-spot shrimp from Subregion 1A, Region 2W, Region 3, or the Discovery Bay Shrimp District.

(b) Nonspot shrimp harvest multigear open periods for Puget Sound Nonspot Shrimp Pot license holders:

Geographical Management Unit (WAC 220-301-040; WAC 220-320-140(3); WAC 220-320-120)	**Open Period**
The portion of MFSF Catch Areas 22A and 21A in Subregion 1B.	Closed.
The portion of MFSF Catch Area 20B within Subregion 1B	Open immediately, through August 17, 2026.
The portion of MFSF Catch Area 20A within Subregion 1C	Open immediately, through October 15, 2026.
Subarea 23A East, MFSF Catch Areas 23B, and MFSF Catch Area 25A outside of the Discovery Bay Shrimp District.	Open immediately, through October 15, 2026.
Subarea 23A West	Open immediately, through October 15, 2026.
MFSF Catch Area 23C	Open immediately, through October 15, 2026.
MFSF Catch Area 29	Open immediately, through October 15, 2026.

(i) The first nonspot shrimp multigear catch accounting period:

(A) Runs from one hour before official sunrise May 1, through one hour after official sunset September 30, 2026.

(B) It is unlawful for the combined total harvest of a Puget Sound Nonspot Shrimp Pot license holders or operators during the first nonspot shrimp multigear catch accounting period to have exceeded 9,960 pounds of nonpink shrimp (*Pandalus danae*, *P. hypsinotus*, *P. goniurus*, and *P. dispar*) per license from all Geographical Management Units within Region 1 combined.

(ii) Nonspot shrimp harvest by Puget Sound Nonspot Shrimp Pot license holders in Region 3 is limited to pink shrimp (*P. jordani* and *P. eous borealis*). Other species of the nonspot species complex may not be retained in Region 3.

(c) Nonspot shrimp harvest for Puget Sound Nonspot Shrimp Pot license and Puget Sound Shrimp Pot license holders is permitted during the open period starting one hour before official sunrise on the first day of the open period. Closures take effect one hour after official sunset on the closing day.

(d) Nonspot shrimp harvested from different geographical management units on the same day must be kept physically separate and labeled with the MFSF Catch Area they were harvested from.

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 sections of Washington Administrative Code are repealed, effective immediately:

WAC 220-340-52000Z	Commercial spot shrimp pot fishery—Puget Sound. (26-145)
WAC 220-340-52500F	Commercial nonspot shrimp pot fishery—Puget Sound. (26-140)

WSR 26-17-084
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 26-156—Filed August 17, 2026, 4:24 p.m., effective August 18, 2026]

Effective Date of Rule: August 18, 2026.

Purpose: The purpose of this emergency rule is to close Chinook salmon retention and possession on board a vessel in Catch Record Card Area 1 and Chinook retention in Area 2. Salmon fishing in a near-shore portion of Catch Record Card Area 1 remains closed. This rule maintains other previously announced coastal salmon seasons for Areas 3 and 4.

Citation of Rules Affected by this Order: Repealing WAC 220-313-07500I; and amending WAC 220-313-075.

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

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

Reasons for this Finding: This emergency rule is necessary to close Chinook salmon retention and possession on board a vessel in Catch Record Card Area 1 and maintain the previously announced near-shore salmon closure as the fishery is approaching its Chinook guideline. Chinook catches have been higher than expected in Marine Area 1. Chinook fishing near shore has been particularly effective. This rule also closes Chinook retention in Catch Record Card Area 2, as the fishery is also expected to approach its Chinook guideline. Closing Chinook retention in both areas and the near-shore area in Area 1 to salmon fishing will reduce Chinook mortalities and ensure the fisheries remain within their expected impact levels of stocks of concern. This action is needed to keep coho-directed salmon fisheries open in Areas 1 and 2. This rule maintains other previously announced coastal salmon seasons for Marine Areas 3 and 4. 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 the 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 17, 2026.

Kelly Susewind
Director

NEW SECTION

WAC 220-313-07500J Pacific Ocean salmon—Seasons—Closed areas. Effective August 18 through September 30, 2026, the provisions of WAC 220-313-075 regarding recreational salmon seasons for Marine Areas 1 through 4 shall be as described in this section. All other provisions of WAC 220-313-075 not addressed in this section remain in effect unless otherwise amended:

(1) **Catch Record Card Area 1:**

(a) Daily limit 2 salmon.

(b) Release Chinook and wild coho.

(c) Coho minimum length 16 inches.

(d) That portion of Area 1 north of 46°15'N and east of 124°08.667'W is closed to fishing for salmon.

(e) Possession of Chinook onboard a vessel is prohibited.

(2) **Catch Record Card Area 2:**

(a) Open August 18 through August 21:

(i) Daily limit 2 salmon; no more than one may be a Chinook.

(ii) Release wild coho.

(iii) Chinook minimum length 22 inches.

(iv) Coho minimum length 16 inches.

(v) Grays Harbor Control Zone is open. See WAC 220-306-040 for area definition.

(b) Open August 22 through September 30:

(i) Daily limit 2 salmon.

(ii) Release Chinook and wild coho.

(iii) Coho minimum length 16 inches.

(iv) Grays Harbor Control Zone is open. See WAC 220-306-040 for area definition.

(v) Possession of Chinook onboard a vessel is prohibited.

(3) **Catch Record Card Area 3:**

(a) Daily limit 2 salmon.

(b) Release chum and wild coho.

(c) Chinook minimum length 24 inches.

(d) Coho minimum length 16 inches.

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

(a) Daily limit 2.

(b) Release chum, and wild coho.

(c) Chinook minimum length 24 inches.

(d) Coho minimum length 16 inches.

(e) No chinook retention allowed in waters east of the Bonilla-Tatoosh line.

(f) Catch Record Card Area 4 waters south of a line from Kydaka Point to Shipwreck Point are closed to salmon fishing.

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 Washington Administrative Code is repealed, effective August 18, 2026:

WAC 220-313-07500I Pacific Ocean salmon—Seasons—Closed areas. (26-150)

WSR 26-17-102
RESCISSION OF EMERGENCY RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed August 19, 2026, 10:42 a.m., effective September 12, 2026]

On August 12, 2026, the Washington state office of superintendent of public instruction (OSPI) filed a CR-103P rule-making order (WSR 26-17-046) concerning permanent rule making for WAC 392-122-440, 392-122-510, and 392-127-045. As indicated in the CR-103P (WSR 26-17-046), the permanent rule updates will become effective on September 12, 2026.

OSPI filed a CR-103E emergency rule-making order (WSR 26-05-006) on February 5, 2026. The emergency rule-making order was renewed on June 5, 2026 (WSR 26-13-015) to ensure that the emergency rules continue to remain in place until the permanent rules take effect.

Because the most recent emergency rule renewal filing will still be in effect on the same day that the permanent rules become effective, OSPI must rescind the CR-103E (WSR 26-13-015) in order to avoid any overlap between the emergency rules and permanent rules.

Therefore, this document serves as official notification that OSPI is rescinding the CR-103E (WSR 26-13-015), effective September 12, 2026.

Chris P.S. Reykdal
State Superintendent of Public Instruction

WSR 26-17-103
RESCISSION OF EMERGENCY RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed August 19, 2026, 10:42 a.m., effective September 12, 2026]

On August 12, 2026, the Washington state office of superintendent of public instruction (OSPI) filed a CR-103P rule-making order (WSR 26-17-043) concerning permanent rule making for WAC 392-123-150 and 392-123-171. As indicated in the CR-103P (WSR 26-17-043), the permanent rule updates will become effective on September 12, 2026.

OSPI filed a CR-103E emergency rule-making order (WSR 26-05-005) on February 5, 2026. The emergency rule-making order was renewed on June 5, 2026 (WSR 26-13-014) to ensure that the emergency rules continue to remain in place until the permanent rules take effect.

Because the most recent emergency rule renewal filing will still be in effect on the same day that the permanent rules become effective, OSPI must rescind the CR-103E (WSR 26-13-014) in order to avoid any overlap between the emergency rules and permanent rules.

Therefore, this document serves as official notification that OSPI is rescinding the CR-103E (WSR 26-13-014), effective September 12, 2026.

Chris P.S. Reykdal
State Superintendent of Public Instruction

WSR 26-17-104
RESCISSION OF EMERGENCY RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed August 19, 2026, 10:42 a.m., effective September 12, 2026]

On August 12, 2026, the Washington state office of superintendent of public instruction (OSPI) filed a CR-103P rule-making order (WSR 26-17-044) concerning permanent rule making for WAC 392-121-107. As indicated in the CR-103P (WSR 26-17-044), the permanent rule updates will become effective on September 12, 2026.

OSPI filed a CR-103E emergency rule-making order (WSR 25-18-072) on August 27, 2025. The emergency rule-making order was renewed on December 18, 2025 (WSR 26-01-129), April 17, 2026 (WSR 26-09-091), and August 14, 2026 (WSR 26-17-066), to ensure that the emergency rules continue to remain in place until the permanent rules take effect.

Because the most recent emergency rule renewal filing will still be in effect on the same day that the permanent rules become effective, OSPI must rescind the CR-103E (WSR 26-17-066) in order to avoid any overlap between the emergency rules and permanent rules.

Therefore, this document serves as official notification that OSPI is rescinding the CR-103E (WSR 26-17-066), effective September 12, 2026.

Chris P.S. Reykdal
State Superintendent of Public Instruction