

WSR 22-17-007
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-157—Filed August 3, 2022, 3:34 p.m., effective August 5, 2022]

Effective Date of Rule: August 5, 2022.

Purpose: Amends recreational salmon rules in Puget Sound Marine Area 9.

Citation of Rules Affected by this Order: Repealing WAC 220-313-06000E; 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: The current estimate of Chinook harvest for the summer fishery is 4,101 of the harvest quota of 4,700 (87 percent) agreed to in this year's list of agreed fisheries. Chinook retention is being suspended in Marine Area 9 beginning 12:01 a.m., Friday, August 5, when it is anticipated harvest quota will be 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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 3, 2022.

Kelly Susewind
Director

NEW SECTION

WAC 220-313-06000F Puget Sound salmon—Saltwater seasons and daily limits. Effective August 5, 2022 for Catch Record Card Areas 6 and 9 the following provisions of WAC 220-313-060 regarding salmon seasons for the Puget Sound Catch Record Card Areas shall be modified as described herein. All other provisions of WAC 220-313-060 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

(1) **Catch Record Card Area 6:** Immediately, through August 15, 2022:

- (a) Waters West of a true north-south line through the Number 2 Buoy immediately west of Ediz Hook:
 - (i) Salmon - Closed effective August 3 through August 15, 2022.
 - (b) Waters east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook:
 - (i) Daily limit 2.
 - (ii) Release chum, Chinook and wild coho.
- (2) **Catch Record Card Area 9:**
 - (a) August 5 through September 25, 2022.
 - (i) Daily limit 2.
 - (ii) Release wild Coho, Chinook and Chum.

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REPEALER

The following section of the Washington Administrative Code is repealed effective August 5, 2022:

WAC 220-313-06000E Puget Sound salmon—Saltwater seasons and daily limits. (22-155)

WSR 22-17-009
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 4, 2022, 8:05 a.m., effective August 4, 2022, 8:05 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The department of labor and industries (L&I) continues to respond to 2021 legislation establishing employer requirements during a public health emergency for infectious and contagious diseases. The employer requirements are under SSB 5254, codified as RCW 49.17.485, regarding voluntary use of personal protective equipment (PPE) and ESSB 5115, also known as the Health Emergency Labor Standards Act (HELSA), and codified as RCW 49.17.062 and 49.17.064.

The emergency rule maintains requirements under new sections of chapter 296-62 WAC for when there is a public health emergency for an infectious or contagious disease and as such, the requirements are applicable to COVID-19.

Under the emergency rule:

- Employers with more than 50 covered employees at a workplace or worksite are required to report infectious or contagious disease outbreaks to L&I;
- Employees are not required to disclose any medical condition or diagnosis to their employer;
- Several definitions were added and/or simplified for implementation;
- Nonhealthcare employers are required to notify employees, as well as their union representative (if any), in writing of potential exposures within one business day;
- Employees and contractors must be permitted to voluntarily use personal protective equipment.

In addition, this emergency rule now applies notification requirements to health care facilities as defined in RCW 9A.50.010.

- Employers of health care facilities must notify any employee with known or suspected high-risk exposure to the infectious or contagious disease within 24 hours. With employee authorization, notification must also be sent to the employee's union representative (if any) within 24 hours.
- Period of transmission/isolation requirements have been simplified;
- Requirements for how employees are notified of potential high risk exposure are clarified.

A CR-101 Preproposal statement of inquiry was filed on May 13, 2021 (WSR 21-11-05[1]), and initiated the permanent rule-making process for rules related to infectious diseases, which will include requirements for outbreaks subject to a public health emergency under a national or state declared state of emergency. This emergency rule supersedes WSR 22-09-003 filed on April 6, 2022.

Citation of Rules Affected by this Order: New WAC 296-62-601, 296-62-602, 296-62-603, 296-62-604, 296-62-605, 296-62-606, 296-62-607, 296-62-608, and 296-62-609.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.[0]60.

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 com-

ment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: RCW 49.17.485 became effective April 26, 2021, and RCW 49.17.062 and 49.17.064 became effective on May 11, 2021, requiring L&I to take action to implement both SSB 5254 and ESSB 5115. On February 29, 2021, Governor Inslee proclaimed a statewide state of emergency to respond to the continuing spread of COVID-19 which resulted in a global pandemic, Proclamation 20-05. Subsequent proclamations have been issued related to the pandemic response, including those with restrictions on business activities under Proclamation 20-25, et seq., initially entitled "Stay Home, Stay Healthy" and the most recent amendment titled "Washington Ready" under Proclamation 20-25.19. Washington state is still in the midst of a public health state of emergency battling the COVID-19 pandemic. In addition, President Biden continued the national emergency concerning the COVID-19 pandemic with notice published in the Federal Register on February 23, 2022 (87 F.R. 10589).

These emergency rules are necessary to further respond to and diminish the spread of COVID-19, alert public officials to workers exposure to COVID-19 to allow for adequate responses to outbreaks, and to reduce the number of outbreaks, keeping Washington workers safe.

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 9, 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 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 9, Amended 0, Repealed 0.

Date Adopted: August 4, 2022.

Joel Sacks
Director

OTS-3146.9

**PUBLIC HEALTH EMERGENCY REPORTING AND NOTIFICATION REQUIREMENTS FOR
COVID-19**

NEW SECTION

WAC 296-62-601 Purpose and scope. WAC 296-62-601 through 296-62-606 provides requirements for the reporting of COVID-19 outbreaks to L&I's division of occupational safety and health (DOSH) and notification to employees of potential or high risk exposures to COVID-19 during a public health emergency as defined in WAC 296-62-602(11) and consistent with RCW 49.17.062 and 49.17.064.

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NEW SECTION

WAC 296-62-602 Definitions for WAC 296-62-601 through 296-62-606. The definitions below apply only to WAC 296-62-601 through 296-62-606.

(1) **Airborne infection isolation room (AIIR).** Means a dedicated negative pressure patient-care room with special air handling capability, which is used to isolate persons with a suspected or confirmed airborne-transmissible infectious disease. AIIRs include both permanent rooms and temporary structures (e.g., a booth, tent, or other enclosure designed to operate under negative pressure).

(2) **Clearing time.**

(a) Means the amount of time it takes for an aerosol to be removed from a room with 99.9 percent removal efficiency based on the United States Centers for Disease Control and Prevention's *Guidelines for Environmental Infection Control in Health-Care Facilities (2003)*, Appendix Table B.1, *Air changes/hour (ACH) and time required for airborne-contaminant removal by efficiency*. (See <https://www.cdc.gov/infectioncontrol/guidelines/environmental/appendix/air.html#tableb1>.)

(b) The clearing time is no more than three hours following the conclusion of an aerosol generating procedure.

(c) One hour is sufficient time for aerosols to clear following an aerosol generating procedure in clinical spaces constructed under Washington state department of health clinical facility requirements (six air exchanges per hour).

(d) Fifteen minutes is sufficient time for aerosols to clear following an aerosol generating procedure in an airborne infection isolation room (AIIR).

(3) **Covered employee.** Means any employee of an employer who is employed in the business of their employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is their personal labor for an employer whether by manual labor or otherwise, including employees from a temporary help service, or personnel supply service if they supervise these employees on a day-to-day basis under WAC 296-27-02103(2).

(4) **Coronavirus Disease 2019 (COVID-19).** Means the respiratory disease caused by severe acute respiratory syndrome coronavirus two (SARS-CoV-2). For clarity and ease of reference, this rule also uses the term "COVID-19" when describing exposures or potential exposures to SARS-CoV-2.

(5) **Health care facility employer.** Means an employer that is a health care facility according to RCW 9A.50.010.

(6) **High risk exposure.** Applies only to health care facilities as defined by RCW 9A.50.010, and means being in any of the following situations without a fit-tested respirator and all other required personal protective equipment:

(a) Sharing the same indoor airspace as a qualifying individual for a cumulative total of 15 minutes or more over a 24-hour period during the qualifying individual's period of transmission, regardless of the qualifying individual's use of face coverings; or

(b) In the same room as a qualifying individual who is undergoing an aerosol-generating procedure. A list of what are considered aerosol-generating procedures is found in the section *Precautions During and Following Aerosol Generating and Other Procedures*, found on page 16 of the April 22, 2022, version of the Washington state department of health publication *Interim Recommendations for SARS-CoV-2 Infection Prevention and Control in Healthcare Settings* (<https://doh.wa.gov/sites/default/files/2022-06/420-391-HealthcareIPCCOVID.pdf>); or

(c) In the room where a qualifying individual underwent an aerosol-generating procedure, prior to the termination of the clearing time.

(7) **Notice of potential exposure.** Means any of the following:

(a) Notification to the employer from a public health official or licensed medical provider that an employee was exposed to a qualifying individual at the worksite; or

(b) Notification to the employer from an employee, or their emergency contact, that the employee is a qualifying individual; or

(c) Notification through a testing protocol of the employer that the employee is a qualifying individual.

(8) **Period of transmission for qualifying individuals at employers that are health care facilities.** For COVID-19, means the period of time between the following start and end points:

(a) Start - The earlier of:

(i) Two days before the qualifying individual felt sick/had symptoms; or

(ii) Two days before the day a positive test specimen was collected.

(b) End - The latest of:

(i) Ten days following the onset of symptoms (where day one is the first full day after symptoms developed), when at least 24 hours have passed since the last fever without use of fever-reducing medications, and symptoms (e.g., cough, shortness of breath) have improved; or

(ii) Ten days following the positive laboratory test for COVID-19 if the qualifying individual never developed symptoms, where day one is the first full day after the positive test specimen was collected; or

(iii) The length of the qualifying individual's isolation period, when the qualifying individual has an isolation period longer than 10 days for reasons such as illness severity, or due to immunocompromise. In such circumstances, the isolation period is not shorter than, but may be longer than, at least 24 hours beyond the last fever without use of fever-reducing medications, and symptoms (e.g., cough, shortness of breath) have improved.

(9) **Period of transmission for qualifying individuals at employers that are not health care facilities.** For COVID-19, means:

(a) The earlier of:

(i) Two days before the qualifying individual felt sick/had symptoms; or

(ii) Two days before the day a positive test specimen was collected;

(b) Until the time the qualifying individual left, or was isolated from, the worksite.

(10) **Positive laboratory test.**

(a) Means a positive or abnormal diagnostic test result for SARS-CoV-2 when the test is cleared, approved, or authorized, including in an Emergency Use Authorization (EUA), by the United States Food and Drug Administration (FDA) to detect current infection with SARS-CoV-2.

(b) Positive laboratory tests include, but are not limited to, antigen tests and molecular tests for SARS-CoV-2.

(c) Tests for current infection that are cleared, approved, or authorized by the FDA that return a positive or abnormal result are positive laboratory tests regardless of where the test sample is collected or where the test is interpreted.

(11) **Public health emergency.** Means a declaration or order concerning any infectious or contagious disease, including a pandemic and is issued as follows:

(a) The President of the United States has declared a national or regional emergency that covers every county in the state of Washington; or

(b) The governor of the state of Washington has declared a state of emergency under RCW 43.06.010(12) in every county in the state.

(12) **Qualifying individual.** Means any person who has:

(a) A positive laboratory test for COVID-19; or

(b) A positive diagnosis of COVID-19 by a licensed health care provider; or

(c) An order to isolate by a public health official related to COVID-19; or

(d) Died due to COVID-19, in the determination of a local health department.

(13) **Test-confirmed.** Means receiving a positive laboratory test for SARS-CoV-2 including, but not limited to, antigen tests and molecular tests.

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NEW SECTION

WAC 296-62-603 General guidelines. WAC 296-62-601 through 296-62-606 do not alter or eliminate any other reporting obligations an employer has under state or federal laws.

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NEW SECTION

WAC 296-62-604 Reporting requirements for outbreaks among covered employees during a public health emergency. (1) This section only applies during a public health emergency to employers with more than 50 covered employees at a workplace or worksite. For purposes of this section, workplace or worksite means any plant, yard, premises, room, or other place where an employee or employees are employed for

the performance of labor or service over which the employer has the right of access or control. This includes, but is not limited to, all workplaces covered by industrial insurance under Title 51 RCW, as now or hereafter amended.

(2) Outbreaks. Employers must report cases to L&I's division of occupational safety and health (DOSH), whether or not the test-confirmed covered employee cases are considered work-related, within 24 hours of being notified of:

(a) Ten or more test-confirmed covered employees at the workplace or worksite where the test was collected during any period of time the Washington state department of health or a local health jurisdiction communicates to the employer that there is a COVID-19 outbreak at their workplace or worksite; or

(b) Ten or more test-confirmed employees where the test was collected during any period of time between the following start and end points:

(i) Start: When any two or more test confirmed covered employee cases at the workplace or worksite occur within 14 consecutive calendar days of each other.

(ii) End: 28 consecutive calendar days have passed since the last positive test result for any covered employee at the workplace or worksite.

Notes: * Only test-confirmed covered employee cases must be counted. For the purposes of WAC 296-62-604, employers do not need to count test-confirmed cases when the positive laboratory test results are from individuals who are not covered employees.
* Employers must also report to DOSH COVID-19-related workplace deaths and hospitalizations as required by WAC 296-27-031. Different disclosure requirements for employee information apply.

(3) Employers must report to DOSH by calling 1-800-4BE-SAFE (1-800-423-7233), and use the option to report fatalities, hospitalizations, amputations, or loss of an eye.

(4) For purposes of this section, employers must not include any employee names or personal identifying information when reporting test-confirmed covered employee cases.

Exemptions:

- Employers that have reported an outbreak according to this section do not need to continue reporting that outbreak to DOSH until the outbreak has ended.
- Employers in an outbreak as defined in this section that later learn intervening cases were false positives are not required to retroactively reevaluate their outbreak status and report to DOSH. They may continue to act as if they were under the same unbroken outbreak.

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NEW SECTION

WAC 296-62-605 Notification requirements related to potential exposures for employers that are not health care facilities. (1) This section only applies to employers other than health care facilities as defined in RCW 9A.50.010. For the purposes of this section, worksite means the building, store, facility, agricultural field, or other location where the qualifying individual worked. "Worksite" does not include any buildings, floors, or other locations of the employer that the qualifying individual did not enter.

(2) If an employer receives notice of potential exposure, the employer must:

(a) Within one business day of potential exposures provide written notice to all covered employees who were on the premises at the same worksite on the same day(s) as the qualifying individual when the

qualifying individual may have been infectious or contagious. Written notice must also be provided to:

- (i) The union representative, if any, of any covered employees.
 - (ii) Any temporary help service, employee-leasing service, or personnel supply service employers of a covered employee.
- (b) The notice required under this section:
- (i) Must state that the covered employee may have been exposed to COVID-19.
 - (ii) Must be made in a manner the employer normally uses to communicate employment-related information including, but not limited to, personal service, email, or text message if it can reasonably be anticipated to be received by the employee within one business day of sending.
 - (iii) Must be in both English and the language understood by the majority of the employees.
 - (iv) Must not include any employee names or personal identifying information.

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NEW SECTION

WAC 296-62-606 Notification requirements related to high risk exposures for employers that are health care facilities. (1) This section only applies to employers that are health care facilities defined by RCW 9A.50.010. For purposes of this section, worksite means the building, store, facility, agricultural field, or other location where the qualifying individual worked. "Worksite" does not include any buildings, floors, or other locations of the employer that the qualifying individual did not enter.

(2) Employers that are health care facilities must notify:

- (a) Any employee with known or suspected high risk exposure to COVID-19 within 24 hours.
 - (b) With employee authorization, the union representative, if any, of the employee's known or suspected high risk exposure to COVID-19 within 24 hours.
 - (c) Any temporary help service, employee-leasing service, or personnel supply service employers of a covered employee notified within 24 hours.
- (3) The notices required under this section:
- (a) Must be in writing; and
 - (b) Must state that the employee had a known or suspected high risk exposure to COVID-19; and
 - (c) Must include, if feasible, information about the worksite location(s) where the known or suspected high risk exposure(s) are believed to have occurred; and
 - (d) Must be made in a manner the employer normally uses to communicate employment-related information including, but not limited to, personal service, email, or text message if it can reasonably be anticipated to be received by the employee, union representative, or temporary help service, employee-leasing service, or personnel supply service employer within 24 hours of sending; and
 - (e) Must be in both English and the language understood by the majority of the employees; and

(f) Must not include any employee names or personal identifying information.

(4) A health care facility employer can meet the requirements of subsection (2)(b) of this section by creating and maintaining a written policy that:

(a) Anticipates the obligation to notify the union representative; and

(b) Ensures that prior to distributing notices to the union, employee authorization is obtained from either:

(i) The employee; or

(ii) The union, if the union has the employee's approval to represent the employee's authorization to the employer.

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PUBLIC HEALTH EMERGENCY VOLUNTARY PERSONAL PROTECTIVE EQUIPMENT USAGE

NEW SECTION

WAC 296-62-607 Purpose and scope for voluntary personal protective equipment usage. WAC 296-62-607 through 296-62-609 provide requirements for employee voluntary use of personal protective equipment during a public health emergency, consistent with RCW 49.17.485. These requirements apply to all employers in Washington state during a public health emergency.

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NEW SECTION

WAC 296-62-608 Definitions for WAC 296-62-607 through 296-62-609. The definitions below apply only to WAC 296-62-607 through 296-62-609.

(1) **Employee.** Means any employee of an employer who is employed in the business of their employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is their personal labor for an employer whether by manual labor or otherwise, including employees from a temporary help service, employee-leasing service, or personnel supply service if they supervise these employees on a day-to-day basis under WAC 296-27-02103(2).

(2) **Public health emergency.** Means a declaration or order relating to controlling and preventing the spread of any infectious or contagious disease that covers the jurisdiction where the individual or business performs work, and is issued as follows:

(a) The President of the United States has declared a national or regional emergency;

(b) The governor has declared a state of emergency under RCW 43.06.010(12); or

(c) An order has been issued by a local health officer under RCW 70.05.070.

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NEW SECTION

WAC 296-62-609 Voluntary use of personal protective equipment requirements. (1) Every employer that does not require employees or contractors to wear a specific type of personal protective equipment must allow its employee's or contractor's voluntary use of that specific type of protective device or equipment, including gloves, goggles, face shields, and face masks, as the employee or contractor deems necessary. This only applies when:

(a) The voluntary use of these protective devices and equipment does not introduce hazards to the work environment and is consistent with the provisions of both this chapter, and related rules established by the department of labor and industries (L&I) division of occupational safety and health (DOSH); and

(b) The use of facial coverings does not interfere with an employer's security requirements; and

(c) The voluntary use of these protective devices and equipment does not conflict with standards for that specific type of equipment established by the department of health or DOSH.

(2) An employer may verify that voluntary use of personal protective equipment meets all regulatory requirements for workplace health and safety.

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WSR 22-17-013
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-159—Filed August 4, 2022, 1:58 p.m., effective August 4, 2022, 1:58 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational shrimp rules in Puget Sound.

Citation of Rules Affected by this Order: Repealing WAC 220-330-07000P; and amending WAC 220-330-070.

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 regulation is needed to ensure an orderly fishery, manage the fishery within court-ordered sharing requirements, and ensure conservation. There is sufficient recreational spot shrimp share to support a limited number of days in the marine areas listed in this section. In addition, this emergency regulation opens the Marine Areas 4 (east of the Bonilla-Tatoosh line), 5, 6, and 7 West seasons one hour before sunrise to one hour after sunset, which is the default daily start and end time for those areas. This regulation maintains the recreational nonspot shrimp fisheries already open in Marine Areas 7 East, 8-1, 8-2, 9, 11, and 13. The nonspot shrimp fisheries have maximum depth restrictions specific to each area to limit capture and handling of spot shrimp. Spot shrimp must be immediately released unharmed during nonspot shrimp seasons. 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 4, 2022.

Kelly Susewind
Director

NEW SECTION

WAC 220-330-07000Q Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-330-070, effective immediately, until further notice it is unlawful to fish for or possess shrimp taken for

personal use in all waters of Marine Areas 4 (east of the Bonilla-Tatoosh line), 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, 13 and the Discovery Bay Shrimp District, except as provided for in this section:

(1) Marine Areas 4 (east of the Bonilla-Tatoosh line) and 5: Open each day, from 1 hour before official sunrise to 1 hour after official sunset, until further notice for all shrimp species.

(2) Marine Area 6 (excluding the Discovery Bay Shrimp District): Open from 1 hour before official sunrise to 1 hour after official sunset on August 17 through 21 for all shrimp species.

(3) Marine Area 7 West: Open from 1 hour before official sunrise to 1 hour after official sunset on August 18 through 20 for all shrimp species.

(4) Marine Area 7 South: Open from 1 hour before official sunrise to 1 hour after official sunset on August 17 through August 21 for all shrimp species.

(5) Marine Area 7 East: Open through October 15 for shrimp species other than spot shrimp with a 200-foot maximum fishing depth restriction. During this time it is unlawful to set or pull shrimp gear in waters greater than 200 feet deep. All spot shrimp caught must be immediately returned to the water unharmed.

(6) Marine Areas 8-1 and 8-2: Open through October 15 for shrimp species other than spot shrimp with a 175-foot maximum fishing depth restriction. During this time it is unlawful to set or pull shrimp gear in waters greater than 175 feet deep. All spot shrimp caught must be immediately returned to the water unharmed.

(7) Marine Area 9: Open through October 15 for shrimp species other than spot shrimp with a 150-foot maximum fishing depth restriction. During this time it is unlawful to set or pull shrimp gear in waters greater than 150 feet deep. All spot shrimp caught must be immediately returned to the water unharmed.

(8) Marine Area 11: Open through October 15 for shrimp species other than spot shrimp with a 150-foot maximum fishing depth restriction. During this time it is unlawful to set or pull shrimp gear in waters greater than 150 feet deep. All spot shrimp caught must be immediately returned to the water unharmed.

(9) Marine Area 13: Open through October 15 for shrimp species other than spot shrimp with a 200-foot maximum fishing depth restriction. During this time it is unlawful to set or pull shrimp gear in waters greater than 200 feet deep. All spot shrimp caught must be immediately returned to the water unharmed.

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REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-330-07000P Shrimp—Areas and seasons. (22-139)

WSR 22-17-016

RESCISSION OF EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

[Filed August 4, 2022, 3:13 p.m., effective August 4, 2022, 3:13 p.m.]

The aging and long-term support administration (AL TSA) requests the rescission of emergency rule filed as WSR 22-11-020 on May 10, 2022 (WAC 388-76-10455), regarding medication administration. AL TSA requests that this rescission take effect immediately.

Katherine I. Vasquez
Rules Coordinator

WSR 22-17-017
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-158—Filed August 4, 2022, 4:11 p.m., effective August 4, 2022, 4:11 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule is to modify weekly landing and possession limits for the coastal troll fishery.

Citation of Rules Affected by this Order: Repealing WAC 220-354-30000I; 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. 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.

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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 4, 2022.

Kelly Susewind
Director

NEW SECTION

WAC 220-354-30000J Coastal salmon troll seasons—Commercial.

Notwithstanding the provisions of WAC 220-354-300, WAC 220-353-050 and WAC 220-354-010, effective immediately, until further notice, it is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons and under conditions provided below:

(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: Immediately, through September 30, 2022.

(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: Immediately, through August 7, 2022.

(3) Landing and possession limit of 40 Chinook per vessel per landing week defined as Thursday through Wednesday.

(4) Landing and possession limit of 150 marked coho per vessel per landing week, defined as Thursday through Wednesday.

(5) The Cape Flattery and Columbia River Control Zones are closed. The Mandatory Yelloweye Rockfish Conservation Area is closed.

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

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

(8) 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, sock-eye or chum salmon.

(9) 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.

(10) 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.

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

(a) 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.

(b) 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.

(c) Vessels may not land fish east of the Megler-Astoria bridge.

(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) 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.

(b) 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, coho, and halibut catch aboard and destination.

(c) Vessels may not land fish east of the Sekiu River.

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REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-354-30000I Coastal salmon troll seasons—
Commercial. (22-141)

WSR 22-17-022
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-160—Filed August 5, 2022, 11:09 a.m., effective August 5, 2022, 11:09 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Permanent rules regulating state commercial shrimp harvest in Puget Sound and the Strait of Juan de Fuca require adoption of harvest seasons contained in this emergency rule. This emergency rule:

(1) Closes the commercial spot shrimp fishery in Subregion 1A in Puget Sound one hour after official sunset on August 5, 2022.

(2) Allows spot shrimp commercial harvest from select subareas and subregions simultaneously in a single day.

(3) Allows nonspot shrimp commercial harvest from select subareas and subregions simultaneously in a single day.

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 prosecute state commercial shrimp pot and trawl fisheries in Puget Sound. This rule allows harvesters to both respond to dynamic changes in market conditions and promotes full utilization of both the commercial spot and nonspot shares. These rules are in congruence with co-manager agreements. 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, 2022.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-52000Z Commercial shrimp pot fishery—Puget Sound.
Notwithstanding the provisions of WAC 220-340-520, immediately, until

further notice, or until they expire pursuant to RCW 34.05.350, it is unlawful to fish for shrimp for commercial purposes using pot gear in Puget Sound except as provided for in this section:

(1) In all areas fishers are limited to a maximum of 100 spot shrimp pots, as defined in WAC 220-340-520 (5)d, and a maximum of 100 non-spot shrimp pots, as defined in WAC 220-340-520 (5)e.

(2) Spot Shrimp Pot Harvests:

(a) Spot shrimp harvest is permitted as indicated in the following table opening one hour before official rise until further notice. Any closures take effect one hour after official sunset.

Geographical Management Unit (WAC 220-320-140)	Open period
Subregion 1A	Immediately, through August 5, 2022
Subregion 1B	Closed
Subregion 1C	Immediately, until further notice
Region 2E	Closed
Region 2W	Closed
Subarea 23A-E	Immediately, until further notice
Subarea 23A-W	Immediately, until further notice
Subarea 23A-C and MSFS Catch Area 23B	Immediately, until further notice
Subarea 23A-S and MSFS Catch Area 23D	Immediately, until further notice
MFSF Catch Area 23C	Immediately, until further notice
MFSF Catch Area 25A, excluding the Discovery Bay Shrimp District	Closed
Discovery Bay Shrimp District	Closed
MFSF 29 (Straits - Neah Bay)	Immediately, until further notice
Subarea 26B-1 and MFSF Catch Area 26C	Closed
Subarea 26B-2	Immediately, until further notice
Region 5	Immediately, until further notice
MFSF Catch Area 26D	Immediately, until further notice
MFSF Catch Areas 28A, 28B, 28C, and 28D	Closed

(b) The first spot shrimp catch accounting period starts one hour before official sunrise on May 1, 2022, through one hour after official sunset on August 2, 2022.

(c) It is unlawful for the total harvest during the first spot shrimp accounting period to exceed 4,500 pounds of spot shrimp per license from all Puget Sound shrimp management regions combined.

(d) The second spot shrimp catch accounting period starts one hour before official sunrise on August 3, 2022, through one hour after official sunset on August 23, 2022.

(e) It is unlawful for the total harvest during the first and second spot shrimp accounting periods to exceed 5,350 pounds of spot shrimp per license from all Puget Sound shrimp management regions combined.

(f) It is unlawful to harvest spot shrimp from more than one Geographical Management Unit listed in 2(a) in a single day with the following exceptions:

(i) Spot shrimp may be harvested from subregion 1A and subregion 1C on the same day.

(ii) Spot shrimp may be harvested from subarea 23A-E, and either 23A-W, 23A-C or MFSF Catch Area 23B on the same day.

(3) Non-spot shrimp pot harvests:

(a) Non-spot shrimp pot harvest is permitted as indicated in the following table opening one hour before official rise until further notice. Any closures take effect one hour after official sunset.

Geographical Management Unit (WAC 220-320-140)	Open period
Subregion 1A	Closed
Subregion 1B	Closed
Subregion 1C	Closed
Region 2E	Immediately, until further notice
Region 2W	Immediately, until further notice
Region 3, not including Discovery Bay Shrimp District	Immediately, until further notice
Discovery Bay Shrimp District	Immediately, until further notice
Region 4	Closed
Region 5	Closed
Region 6	Closed

(b) The non-spot shrimp catch accounting period is weekly from one hour before official sunrise each Wednesday through one hour after official sunset on the subsequent Tuesday, totaling 7 days in length.

(c) It is unlawful for the combined total harvest of non-spot shrimp per license to exceed 700 pounds per non-spot shrimp catch accounting week from subregions 1A, 1B, 1C, and Region 2E combined.

(d) There is no weekly harvest limit of non-spot shrimp from Region 2W, Region 3, and Discovery Bay Shrimp District.

(e) Harvest of non-spot shrimp is not permitted deeper than 175 feet in subarea 23A East or subregion 1A.

(f) It is unlawful to harvest non-spot shrimp in more than one Geographical Management unit listed in subsection 3(a) in a single day with the following exceptions:

(i) Non-spot shrimp may be harvested from more than one subregion of Region 1 on the same day.

(ii) Non-spot shrimp may be harvested from Discovery Bay Shrimp District and Region 3 on the same day.

[]

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 immediately:

WAC 220-340-52000Y Commercial shrimp pot fishery—Puget Sound. (22-154)

WSR 22-17-025
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-161—Filed August 5, 2022, 3:41 p.m., effective August 8, 2022]

Effective Date of Rule: August 8, 2022.

Purpose: Amends rules for Puget Sound commercial sea cucumber.

Citation of Rules Affected by this Order: Repealing WAC 220-340-73000B; and amending WAC 220-340-730.

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 harvest of sea cucumber in all of Sea Cucumber Management District 5, and defines a specified area closed to harvest in [Catch Area] 26D. This opener is pursuant to fulfill obligations of state and tribal comanager agreements. 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, 2022.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-73000C Commercial sea cucumber fishery Effective August 8, 2022 and until further notice, or until this rule expires on December 2, 2022 pursuant to RCW 34.05.350, the following provisions of WAC 220-340-730 regarding Puget Sound commercial sea cucumber harvest and sales shall be described below. All other provisions of WAC 220-340-730 not addressed herein, and unless otherwise amended, remain in effect:

(1) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber Districts 1, 2-1, and 2-2 Monday through Sunday of each week.

(2) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 5 except for all waters in Gig Harbor and adja-

cent waters within a one nautical mile radius of the Gig Harbor entrance, Monday through Sunday of each week.

(3) The maximum cumulative landing of sea cucumbers for each weekly fishery opening period is 1,800 pounds per valid designated sea cucumber harvest license.

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REPEALER

The following section of the Washington Administrative Code is repealed effective August 8, 2022:

WAC 220-340-73000B Commercial sea cucumber fishery.
(22-156)

WSR 22-17-026
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-162—Filed August 5, 2022, 3:45 p.m., effective August 5, 2022, 3:45 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The provisions of this emergency rule: Permanent rules regulating state commercial shrimp harvest in Puget Sound and the Strait of Juan de Fuca require adoption of harvest seasons contained in this emergency rule. This emergency rule:

WAC 220-340-52000A:

(1) Closes Subarea 23A-C and MFSF Catch Reporting Area 23B in Puget Sound to commercial harvest of spot shrimp one hour after sunset on August 9, 2022.

(2) Closes Subarea 23A-E in Puget Sound to commercial harvest of spot shrimp one hour after sunset on August 8, 2022.

(3) Closes Subregion 1A in Puget Sound to commercial harvest of spot shrimp one hour after sunset on August 5, 2022.

(4) Allows spot shrimp commercial harvest from select subareas and subregions simultaneously in a single day.

(5) Allows nonspot shrimp commercial harvest from select subareas and subregions simultaneously in a single day.

WAC 220-340-54000C:

(1) Closes Region 1 shrimp trawl fisheries on the hard closure date of October 15, 2022.

(2) Closes Region 3 shrimp trawl fisheries on the hard closure date of September 30, 2022.

Citation of Rules Affected by this Order: Repealing WAC 220-340-52000Z and 220-340-54000B; and amending WAC 220-340-520 and 220-340-540.

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 prosecute state commercial shrimp pot and trawl fisheries in Puget Sound. This rule allows harvesters to both respond to dynamic changes in market conditions and promotes full utilization of both the commercial spot and nonspot shares. These rules are in congruence with co-manager agreements. 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, 2022.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-52000A Commercial shrimp pot fishery—Puget Sound.

Notwithstanding the provisions of WAC 220-340-520, immediately, until further notice, or until they expire pursuant to RCW 34.05.350, it is unlawful to fish for shrimp for commercial purposes using pot gear in Puget Sound except as provided for in this section:

(1) In all areas fishers are limited to a maximum of 100 spot shrimp pots, as defined in WAC 220-340-520 (5)d, and a maximum of 100 non-spot shrimp pots, as defined in WAC 220-340-520 (5)e.

(2) Spot Shrimp Pot Harvests:

(a) Spot shrimp harvest is permitted as indicated in the following table opening one hour before official rise until further notice. Any closures take effect one hour after official sunset.

Geographical Management Unit (WAC 220-320-140)	Open period
Subregion 1A	Immediately, through August 5, 2022
Subregion 1B	Closed
Subregion 1C	Immediately, until further notice
Region 2E	Closed
Region 2W	Closed
Subarea 23A-E	Immediately, through August 8, 2022
Subarea 23A-W	Immediately, until further notice
Subarea 23A-C and MSFS Catch Area 23B	Immediately, through August 9, 2022
Subarea 23A-S and MSFS Catch Area 23D	Immediately, until further notice
MFSF Catch Area 23C	Immediately, until further notice
MFSF Catch Area 25A, excluding the Discovery Bay Shrimp District	Closed
Discovery Bay Shrimp District	Closed
MFSF 29 (Straits - Neah Bay)	Immediately, until further notice
Subarea 26B-1 and MFSF Catch Area 26C	Closed
Subarea 26B-2	Immediately, until further notice

Geographical Management Unit (WAC 220-320-140)	Open period
Region 5	Immediately, until further notice
MFSF Catch Area 26D	Immediately, until further notice
MFSF Catch Areas 28A, 28B, 28C, and 28D	Closed

(b) The first spot shrimp catch accounting period starts one hour before official sunrise on May 1, 2022, through one hour after official sunset on August 2, 2022.

(c) It is unlawful for the total harvest during the first spot shrimp accounting period to exceed 4,500 pounds of spot shrimp per license from all Puget Sound shrimp management regions combined.

(d) The second spot shrimp catch accounting period starts one hour before official sunrise on August 3, 2022, through one hour after official sunset on August 23, 2022.

(e) It is unlawful for the total harvest during the first and second spot shrimp accounting periods to exceed 5,350 pounds of spot shrimp per license from all Puget Sound shrimp management regions combined.

(f) It is unlawful to harvest spot shrimp from more than one Geographical Management Unit listed in 2(a) in a single day with the following exceptions:

(i) Spot shrimp may be harvested from subregion 1A and subregion 1C on the same day.

(ii) Spot shrimp may be harvested from subarea 23A-E, and either 23A-W, 23A-C or MFSF Catch Area 23B on the same day.

(3) Non-spot shrimp pot harvests:

(a) Non-spot shrimp pot harvest is permitted as indicated in the following table opening one hour before official rise until further notice. Any closures take effect one hour after official sunset.

Geographical Management Unit (WAC 220-320-140)	Open period
Subregion 1A	Closed
Subregion 1B	Closed
Subregion 1C	Closed
Region 2E	Immediately, until further notice
Region 2W	Immediately, until further notice
Region 3, not including Discovery Bay Shrimp District	Immediately, until further notice
Discovery Bay Shrimp District	Immediately, until further notice
Region 4	Closed
Region 5	Closed
Region 6	Closed

(b) The non-spot shrimp catch accounting period is weekly from one hour before official sunrise each Wednesday through one hour after official sunset on the subsequent Tuesday, totaling 7 days in length.

(c) It is unlawful for the combined total harvest of non-spot shrimp per license to exceed 700 pounds per non-spot shrimp catch accounting week from subregions 1A, 1B, 1C, and Region 2E combined.

(d) There is no weekly harvest limit of non-spot shrimp from Region 2W, Region 3, and Discovery Bay Shrimp District.

(e) Harvest of non-spot shrimp is not permitted deeper than 175 feet in subarea 23A East or subregion 1A.

(f) It is unlawful to harvest non-spot shrimp in more than one Geographical Management unit listed in subsection 3(a) in a single day with the following exceptions:

(i) Non-spot shrimp may be harvested from more than one subregion of Region 1 on the same day.

(ii) Non-spot shrimp may be harvested from Discovery Bay Shrimp District and Region 3 on the same day.

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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.

NEW SECTION

WAC 220-340-54000C Commercial shrimp trawl fishery—Puget Sound.

Notwithstanding the provisions of WAC 220-340-540, effective one hour before official sunset on the dates listed in Table 1(a, b), until further notice, or until they expire pursuant to RCW 34.05.350, it is unlawful to fish for shrimp for commercial purposes using beam trawl gear in Puget Sound except as provided for in this section:

(1) Non-spot shrimp trawl harvest:

(a) Non-spot shrimp beam trawl harvest is permitted as indicated in the following table starting one hour before official sunrise until further notice.

Geographic Area Description (WAC 220-320-140(3))	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 10/15/2022
Those waters of Catch Area 21A north and west of a line from the southern tip of Sinclair Island (48.6097°, -122.6572°) to Carter Point (48.6404°, -122.6088°) on Lummi Island.	Open immediately, through 10/15/2022
Subarea 23A East and MFSF Catch Areas 23B, 25A	Open immediately, through 9/30/2022
Subarea 23A West	Open immediately, through 9/30/2022
MFSF Catch Area 23C	Open immediately, through 9/30/2022
MFSF Catch Area 29	Open immediately, through 9/30/2022

(b) Non-spot shrimp beam trawl harvest is permitted starting one hour before official sunrise in the areas detailed below contingent on the harvester bringing an on-board observer on the first trip into the area. If by-catch sampling criteria are not met these areas will open on the later dates described in WAC 220-340-530 (5d,e).

Geographic Area Description (WAC 220-320-140(3))	Open period
Those waters of Lopez Sound within subregion 1B that are south of a line projected true east-west from the northern tip of Trump Island (48.5064°, -122.8369°).	Open immediately, through 10/15/2022
That portion of Catch Area 22A within subregion 1B that are east of a line projected along -122.7833° longitude (east of Blakely Island) and west of a line projected along -122.7167° longitude (west of Cypress Island) in Rosario Strait.	Open immediately, through 10/15/2022
The remaining portions of Catch Areas 20B and 22A within subregion 1B not described above.	Immediately, through 10/15/2022

[]

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 220-340-52000Z Commercial shrimp pot fishery—Puget Sound. (22-160)
- WAC 220-340-54000B Commercial shrimp trawl fishery—Puget Sound. (22-81)

WSR 22-17-040
EMERGENCY RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed August 10, 2022, 1:40 p.m., effective August 10, 2022, 1:40 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Communities continue to experience a public health crisis related to the outbreak of the novel coronavirus, COVID-19. This WAC change would help clarify the scope of the transitional certificate assignment policy to support educators who face ongoing challenges related to this public health situation and have limited access to clock hours due to the pandemic impact.

Citation of Rules Affected by this Order: Amending WAC 181-82-110.

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

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

Reasons for this Finding: Clarify the assignment policy related to the transitional certificate and reduce confusion for educators who face ongoing challenges due to COVID-19.

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, Amended 1, Repealed 0.

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

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

Date Adopted: August 10, 2022.

Jisu Ryu
Rules Coordinator

OTS-4023.1

AMENDATORY SECTION (Amending WSR 21-22-104, filed 11/2/21, effective 12/3/21)

WAC 181-82-110 School district response and support for non-matched endorsements to course assignment of teachers. (1) Individuals with initial, residency, endorsed continuing, professional, transitional, or emergency teacher certificates who are employed with a school district may be assigned to classes other than in their areas

of endorsement. If teachers are so assigned, the following shall apply:

(a) A designated representative of the district and any teacher so assigned shall mutually develop a written plan which provides for necessary assistance to the teacher, and which provides for a reasonable amount of planning and study time associated specifically with the out-of-endorsement assignment;

(b) Such teaching assignments shall be approved by a formal vote of the local school board for each teacher so assigned.

(2) Special education preendorsement waiver:

(a) A teacher who has completed (~~two hundred forty~~) 240 continuing education credit hours under WAC 181-85-030 of course work applicable to a special education, early childhood special education, teacher of the visually impaired, deaf education, or deaf education with ASL proficiency endorsement shall be eligible for a preendorsement waiver from the special education office under chapter 392-172A WAC. Individuals with a preendorsement waiver are considered to have met the requirements for "substantial professional training" for the appropriate endorsement under WAC 392-172A-02090.

(b) All remaining requirements for the special education, early childhood special education, teacher of the visually impaired, deaf education, or deaf education with ASL proficiency endorsement shall be completed within five years.

(3) Teachers are not subject to nonrenewal or probation based on evaluation of their teaching effectiveness in the out-of-endorsement assignments under this section.

[Statutory Authority: Chapter 28A.410 RCW. WSR 21-22-104, § 181-82-110, filed 11/2/21, effective 12/3/21; WSR 21-08-024, § 181-82-110, filed 3/29/21, effective 4/29/21; WSR 20-16-144, § 181-82-110, filed 8/4/20, effective 9/4/20. Statutory Authority: RCW 28A.410.210. WSR 14-20-051, § 181-82-110, filed 9/25/14, effective 10/26/14; WSR 14-11-106, § 181-82-110, filed 5/21/14, effective 6/21/14; WSR 12-16-107, § 181-82-110, filed 8/1/12, effective 9/1/12; WSR 08-12-056, § 181-82-110, filed 6/2/08, effective 7/3/08; WSR 06-14-010, § 181-82-110, filed 6/22/06, effective 7/23/06. WSR 06-02-051, recodified as § 181-82-110, filed 12/29/05, effective 1/1/06. Statutory Authority: RCW 28A.410.010. WSR 03-04-023, § 180-82-110, filed 1/27/03, effective 2/27/03. Statutory Authority: RCW 28A.150.220(4), 28A.305.130(1), 28A.410.018. WSR 00-18-063, § 180-82-110, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 28A.305.130 (1) and (2), 28A.410.010 and 28A.150.220(4). WSR 99-04-008, § 180-82-110, filed 1/21/99, effective 2/21/99.]

WSR 22-17-042
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-163—Filed August 10, 2022, 1:57 p.m., effective August 18, 2022]

Effective Date of Rule: August 18, 2022.

Purpose: The purpose of this emergency rule is to [update] fall Chinook seasons in portions 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 2022 Columbia River forecasted return of upriver bright adults is 230,400, with a significant portion of these fish expected to return to the Snake River. This forecast is large enough to allow for Chinook harvest in the Snake River. The upriver bright stock primarily returns to the Hanford reach and Snake River sections of the Columbia River and the *United States v. Oregon* Management Agreement reaches only to the confluence of the Snake River. There is no Endangered Species Act component in this section of the Columbia River, and Washington has its own fish management and evaluation plan with Idaho for the Snake River itself. Because of these factors, the opening of this fishery by emergency rule is needed [to] maintain concurrency with Idaho's salmon rules and season openings for the Snake River.

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 10, 2022.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

WAC 220-312-05000S Freshwater exceptions to statewide rules—Eastside. Effective August 18 through October 31, 2022, the following

provisions of WAC 220-312-050, regarding salmon seasons in the Snake River shall be open as follows. All other provisions of WAC 220-312-050 remain in effect unless modified by emergency rule:

(1) Snake River (Franklin/Walla Walla Counties): From the mouth (Burbank to Pasco railroad bridge at Snake River mile 1.25) to Lower Granite dam:

Salmon:

(a) Daily limit 3 adult hatchery Chinook, no daily limit for jack Chinook. Release all salmon other than jack Chinook and adult hatchery Chinook.

(b) Barbless hooks required.

(c) Salmon may not be removed from the water unless retained as part of the daily limit.

(2) Snake River (Franklin/Walla Walla Counties): From the downstream edge of the large power lines crossing the Snake River (just upstream from West Evans Road on the south shore, approximately 3 miles below Clarkston) upstream to the Oregon state line:

Salmon:

(a) Daily limit 3 adult Chinook, no daily limit for jack Chinook. Release all salmon other than Chinook.

(b) Barbless hooks required.

(c) Salmon may not be removed from the water unless retained as part of the daily limit.

[]

WSR 22-17-044
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-164—Filed August 10, 2022, 4:10 p.m., effective August 10, 2022, 4:10 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule is to adjust commercial coastal troll weekly Chinook limits.

Citation of Rules Affected by this Order: Repealing WAC 220-354-30000J; 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. 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 10, 2022.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

WAC 220-354-30000K Coastal salmon troll seasons—Commercial.

Notwithstanding the provisions of WAC 220-354-300, WAC 220-353-050 and WAC 220-354-010, effective immediately, until further notice, it is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons and under conditions provided below:

(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: Immediately, through September 30, 2022.

(2) Landing and possession limit of 30 Chinook per vessel per landing week defined as Thursday through Wednesday.

(3) Landing and possession limit of 150 marked coho per vessel per landing week, defined as Thursday through Wednesday.

(4) The Cape Flattery and Columbia River Control Zones are closed. The Mandatory 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, sock-eye 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.

(a) 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.

(b) 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.

(c) Vessels may not land fish east of the Megler-Astoria bridge.

(11) 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) 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.

(b) 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, coho, and halibut catch aboard and destination.

(c) Vessels may not land fish east of the Sekiu River.

[]

REPEALER

The following section Washington Administrative Code is repealed:

WAC 220-354-30000J Coastal salmon troll seasons—
Commercial. (22-158)

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

WSR 22-17-052
EMERGENCY RULES
PIERCE COLLEGE

[Filed August 11, 2022, 1:02 p.m., effective August 11, 2022, 1:02 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Pierce College is utilizing the WAC emergency rule to update the student conduct code, chapter 132K-135 WAC, in order to be in compliance with the United States Department of Education federal rules regarding Title IX.

Citation of Rules Affected by this Order: Amending WAC 132K-135-360 and 132K-135-380.

Statutory Authority for Adoption: RCW 34.05.350.

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

Reasons for this Finding: The United States Department of Education requires institutions of higher education to be in compliance with Title IX and make appropriate policy and procedure changes.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 2, 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, 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 11, 2022.

Michele Johnson
Chancellor

OTS-3738.1

AMENDATORY SECTION (Amending WSR 21-11-045, filed 5/13/21, effective 6/13/21)

WAC 132K-135-360 Evidence. The introduction and consideration of evidence during the hearing is subject to the following procedures and restrictions:

(1) Relevance: The committee chair shall review all questions for relevance and shall explain on the record their reasons for excluding any question based on lack of relevance.

(2) Relevance means that information elicited by the question makes facts in dispute more or less likely to be true.

(3) Questions or evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant and must be excluded, unless such question or evidence:

(a) Is asked or offered to prove someone other than the respondent committed the alleged misconduct; or

(b) Concerns specific incidents of prior sexual behavior between the complainant and the respondent, which are asked or offered on the issue of consent.

~~(4) ((Cross-examination required: If a party or witness does not submit to cross-examination during the live hearing, the committee must not rely on any statement by that party or witness in reaching a determination of responsibility.~~

~~(5))~~ No negative inference: The committee may not make an inference regarding responsibility solely on a witness's or party's absence from the hearing or refusal to answer questions.

~~((6))~~ (5) Privileged evidence: The committee shall not consider legally privileged information unless the holder has effectively waived the privilege. Privileged information includes, but is not limited to, information protected by the following:

(a) Spousal/domestic partner privilege;

(b) Attorney-client and attorney work product privileges;

(c) Privileges applicable to members of the clergy and priests;

(d) Privileges applicable to medical providers, mental health therapists, and counselors;

(e) Privileges applicable to sexual assault and domestic violence advocates; and

(f) Other legal privileges identified in RCW 5.60.060.

[Statutory Authority: RCW 28B.50.140(13). WSR 21-11-045, § 132K-135-360, filed 5/13/21, effective 6/13/21.]

AMENDATORY SECTION (Amending WSR 21-11-045, filed 5/13/21, effective 6/13/21)

WAC 132K-135-380 Appeals. ~~((1) The parties shall have the right to appeal from the initial order's determination of responsibility and/or dismissal of an allegation(s) of sexual harassment in a formal complaint. The right to appeal will be subject to the same procedures and time frames set forth in WAC 132K-135-180.~~

~~(2) The president or their delegate will determine whether the grounds for appeal have merit, provide the rationale for this conclusion, and state whether the disciplinary sanction and condition(s) imposed in the initial order are affirmed, vacated, or amended, and, if amended, set forth any new disciplinary sanction and/or condition(s).~~

~~(3) President's office shall serve the final decision on the parties simultaneously.)~~

(1) All parties, including the student conduct officer in their capacity as a representative of the college, have the right to appeal from the determination of responsibility and/or from a dismissal, in whole or in part, of a formal complaint during the investigative or hearing process. Appeals must be in writing and filed with the president's office within 21 days of service of the initial order or notice of dismissal. Appeals must identify the specific findings of fact and/or conclusions of law in the initial order or dismissal that the appealing party is challenging and must contain argument as to why the appeal should be granted. Failure to file a timely appeal constitutes a waiver of the right to appeal and the initial order or dismissal shall be deemed final.

(2) Upon receiving a timely appeal, the president's office will serve a copy of the appeal on all parties, who will have 10 days from the date of service to submit written responses to the president's office addressing issues raised in the appeal. Failure to file a timely response constitutes a waiver of the right to participate in the appeal. Upon receipt of written responses, the president's office shall serve copies of the responses to the other parties.

(3) Parties receiving a copy of the responses shall have five days in which to submit a written reply addressing issues raised in the responses to the president's office.

(4) The president or their delegate, based on their review of parties' submissions and the hearing or investigative record, will determine whether the grounds for appeal have merit, provide the rationale for this conclusion, and state whether a dismissal if affirmed or denied, or if the disciplinary sanctions and conditions imposed in the initial order are affirmed, vacated, or amended, and, if amended, set forth the new disciplinary sanctions and conditions.

(5) The president's office shall serve the final decision on the parties simultaneously.

(6) All administrative decisions reached through this process are and may be judicially appealed pursuant to applicable provisions of chapter 34.05 RCW including, but not limited to, the timelines set forth in RCW 34.05.542. No decisions or recommendations arising from this disciplinary procedure will be subject to grievance pursuant to any collective bargaining agreement.

[Statutory Authority: RCW 28B.50.140(13). WSR 21-11-045, § 132K-135-380, filed 5/13/21, effective 6/13/21.]

WSR 22-17-054
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-166—Filed August 11, 2022, 4:33 p.m., effective August 12, 2022]

Effective Date of Rule: August 12, 2022.

Purpose: The purpose of this emergency rule is to open salmon seasons in a portion of Catch Record Card Area 10.

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: In-season test and fisheries catch information indicates that the expected Chinook return to the Green/Duwamish River is in line with the preseason predicted return. Comanagers agree that additional fishing opportunities would not compromise agreed-to management objectives or brood stocking goals. 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 11, 2022.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

WAC 220-313-06000G Puget Sound salmon—Saltwater seasons and daily limits. Effective August 12 through 11:59 a.m., August 15, 2022, for Catch Record Card Area 10 the following provisions of WAC 220-313-060 regarding salmon seasons for the East Elliott Bay salmon fishery area as defined herein shall be modified during the times and as described below. All other provisions of WAC 220-313-060 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

Catch Record Card Area 10: Waters of Elliott Bay between a line from Duwamish Head to Pier 91 up to the mouth of the Duwamish River including Harbor Island (Duwamish Waterways):

- (a) Daily limit 2.
- (b) Chinook minimum size 22 inches.
- (c) Release chum.

[]

WSR 22-17-055

EMERGENCY RULES

DEPARTMENT OF HEALTH

[Filed August 12, 2022, 9:21 a.m., effective August 12, 2022, 9:21 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: WAC 246-341-0342 Agency licensure and certification—Off-site locations. The department of health (department) is continuing emergency rule amendments to WAC 246-341-0342 to define a mobile unit for behavioral health agencies in Washington and allow opioid treatment programs (OTPs) to add a mobile unit as an extension of their existing license. This will align existing rule with the federal changes published in Title 21 C.F.R., Parts 1300, 1301, and 1304. On July 28, 2021, these federal rules were revised to allow OTPs to operate mobile units under their existing federal Drug Enforcement Administration (DEA) license. Although current behavioral health agency (BHA) licensing and certification rules reference 21 C.F.R., these rules went into effect on July 1, 2021, prior to the federal change, and need to be updated to ensure that OTPs in Washington are complying with the current version of the federal rule. The amendments to WAC 246-341-0342 define what a mobile unit is, require OTPs to notify the department in writing prior to operating a mobile unit, and outline requirements for OTPs that operate a mobile narcotic treatment program. These requirements include submitting a copy of the DEA approval for the unit and complying with 21 C.F.R. Parts 1300, 1301, and 1304. This emergency rule continues amendments originally filed December 15, 2021, under WSR 22-01-147, and extended on April 14, 2022, under WSR 22-09-041. The department is considering this amendment for permanent rule making. A preproposal statement of inquiry (CR-101) has been filed as WSR 21-14-010 and the department is currently preparing a notice of proposed rule making (CR-102) for filing.

Citation of Rules Affected by this Order: Amending WAC 246-341-0342.

Statutory Authority for Adoption: RCW 71.24.037, 71.24.585, 71.24.595.

Other Authority: Title 21 C.F.R., Parts 1300, 1301, and 1304.

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

Reasons for this Finding: This emergency rule updates department rules to align with the recently updated federal rules in Title 21 C.F.R., which allow OTPs to add and operate a mobile unit under their existing DEA license. Without this change, the rules would direct OTPs to comply with an outdated version of federal regulations that did not include the ability to operate a mobile OTP component. Furthermore, this continues to be a public health issue as a result of the ongoing opioid crisis in Washington state, which has been exacerbated by the coronavirus disease 2019 (COVID-19) pandemic. This amendment will allow the department to continue approving mobile units without delay, increasing access to treatment for individuals who suffer from opioid use disorder, while maintaining regulatory oversight to ensure client and public safety.

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

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

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

Date Adopted: August 12, 2022.

Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

OTS-3478.3

AMENDATORY SECTION (Amending WSR 21-12-042, filed 5/25/21, effective 7/1/21)

WAC 246-341-0342 Agency licensure and certification—Off-site locations and mobile units. (1) A behavioral health agency may provide certified services at an off-site location or from a mobile unit under the existing behavioral health agency license.

(2) For the purposes of this section:

(a) "Off-site" means the provision of services by a licensed behavioral health agency at a location where the assessment or treatment is not the primary purpose of the site, such as in schools, hospitals, long-term care facilities, correctional facilities, an individual's residence, the community, or housing provided by or under an agreement with the agency.

(b) "Established off-site location" means a location that is regularly used and set up to provide services rather than a location used on an individual, case-by-case basis.

(c) "Mobile unit" means a vehicle, lawfully used on public streets, roads, or highways with more than three wheels in contact with the ground, from which behavioral health services are provided at a nonpermanent location(s).

(3) A behavioral health agency that provides (~~(outpatient)~~) off-site services at an established off-site location(s) shall:

(a) Maintain a list of each established off-site location where services are provided on a regularly scheduled ongoing basis and include, for each established off-site location:

(i) The name and address of the location the services are provided;

(ii) The primary purpose of the off-site location;

(iii) The service(s) provided; and

(iv) The date off-site services began at that location;

(b) Maintain an individual's confidentiality at the off-site location; and

(c) Securely transport confidential information and individual records between the licensed agency and the off-site location, if applicable.

~~((2))~~ (4) In addition to meeting the requirements in subsection ~~((1))~~ (3) of this section, an agency providing services to an individual in their place of residence or services in a public setting that is not an established off-site location where services are provided on a regularly scheduled ongoing basis must:

(a) Implement and maintain a written protocol of how services will be offered in a manner that promotes individual, staff member, and community safety; and

(b) For the purpose of emergency communication and as required by RCW 71.05.710, provide access to a wireless telephone or comparable device to any employee, contractor, student, or volunteer when making home visits to individuals.

~~((3) For the purposes of this section:~~

~~(a) "Off-site" means the provision of services by a licensed behavioral health agency at a location where the assessment or treatment is not the primary purpose of the site, such as in schools, hospitals, long-term care facilities, correctional facilities, an individual's residence, the community, or housing provided by or under an agreement with the agency.~~

~~(b) "Established off-site location" means a location that is regularly used and set up to provide services rather than a location used on an individual, case-by-case basis.)~~ (5) Before operating a mobile unit, agencies providing behavioral health services from a mobile unit must notify the department in writing in a manner outlined by the department. The notification must include that a mobile unit is being added under the agency license and indicate what services will be provided from the mobile unit, including whether it is operating as a mobile narcotic treatment program as defined in 21 C.F.R. Part 1300.01.

(6) An opioid treatment program operating a mobile narcotic treatment program must:

(a) Submit a copy of the Drug Enforcement Administration (DEA) approval for the mobile narcotic treatment program; and

(b) Comply with 21 C.F.R. Parts 1300, 1301 and 1304.

[Statutory Authority: RCW 71.24.037, 71.05.560, 71.34.380, 18.205.160, 71.24.037 and chapters 71.05, 71.24, and 71.34 RCW. WSR 21-12-042, § 246-341-0342, filed 5/25/21, effective 7/1/21. Statutory Authority: 2018 c 201 and 2018 c 291. WSR 19-09-062, § 246-341-0342, filed 4/16/19, effective 5/17/19.]

WSR 22-17-061
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-168—Filed August 12, 2022, 3:19 p.m., effective August 13, 2022]

Effective Date of Rule: August 13, 2022.

Purpose: The purpose of this emergency rule is to open commercial reef net seasons in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A.

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 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. In-season information indicates 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, 2022.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

WAC 220-354-18000S Reef net open periods. Notwithstanding the provisions of WAC 220-354-180, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except 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 herein:

Open Areas	Open Periods
7 and 7a	5 AM – 9 PM 8/13

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

(b) It is unlawful to retain marked Chinook unless the reef net operator is in immediate possession of a Puget Sound Reef Net Logbook. All retained marked Chinook must be recorded in the log book in accordance with requirements of WAC 220-354-180.

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

(d) "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.

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WSR 22-17-062
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-165—Filed August 12, 2022, 3:25 p.m., effective August 12, 2022, 3:25 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Permanent rules regulating state commercial shrimp harvest in Puget Sound and the Strait of Juan de Fuca require adoption of harvest seasons contained in this emergency rule. This emergency rule:

WAC 220-340-52000B

(1) Closes Subarea 23A-W and MFSF Catch Reporting Area 23B in Puget Sound to commercial harvest of spot shrimp one hour after sunset on August 16, 2022.

(2) Allows spot shrimp commercial harvest from select subareas and subregions simultaneously in a single day.

(3) Allows nonspot shrimp commercial harvest from select subareas and subregions simultaneously in a single day.

Citation of Rules Affected by this Order: Repealing WAC 220-340-52000A; 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 prosecute state commercial shrimp pot and trawl fisheries in Puget Sound. This rule allows harvesters to both respond to dynamic changes in market conditions and promotes full utilization of both the commercial spot and nonspot shares. These rules are in congruence with co-manager agreements. 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, 2022.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION**WAC 220-340-52000B Commercial shrimp pot fishery—Puget Sound.**

Notwithstanding the provisions of WAC 220-340-520, immediately, until further notice, or until they expire pursuant to RCW 34.05.350, it is unlawful to fish for shrimp for commercial purposes using pot gear in Puget Sound except as provided for in this section:

(1) In all areas fishers are limited to a maximum of 100 spot shrimp pots, as defined in WAC 220-340-520 (5)d, and a maximum of 100 non-spot shrimp pots, as defined in WAC 220-340-520 (5)e.

(2) Spot Shrimp Pot Harvest:

(a) Spot shrimp harvest is permitted as indicated in the following table opening one hour before official rise until further notice. Any closures take effect one hour after official sunset.

Geographical Management Unit (WAC 220-320-140)	Open period
Subregion 1A	Closed
Subregion 1B	Closed
Subregion 1C	Immediately, until further notice
Region 2E	Closed
Region 2W	Closed
Subarea 23A-E	Closed
Subarea 23A-W	Immediately, through August 16, 2022
Subarea 23A-C and MSFS Catch Area 23B	Closed
Subarea 23A-S and MSFS Catch Area 23D	Immediately, until further notice
MFSF Catch Area 23C	Immediately, until further notice
MFSF Catch Area 25A, excluding the Discovery Bay Shrimp District	Closed
Discovery Bay Shrimp District	Closed
MFSF 29 (Straits - Neah Bay)	Immediately, until further notice
Subarea 26B-1 and MFSF Catch Area 26C	Closed
Subarea 26B-2	Immediately, until further notice
Region 5	Immediately, until further notice
MFSF Catch Area 26D	Immediately, until further notice
MFSF Catch Areas 28A, 28B, 28C, and 28D	Closed

(b) The first spot shrimp catch accounting period started one hour before official sunrise on May 1, 2022, through one hour after official sunset on August 2, 2022.

(c) It is unlawful for the total harvest during the first spot shrimp accounting period to have exceeded 4,500 pounds of spot shrimp per license from all Puget Sound shrimp management regions combined.

(d) The second spot shrimp catch accounting period starts one hour before official sunrise on August 3, 2022, through one hour after official sunset on August 23, 2022.

(e) It is unlawful for the total harvest during the first and second spot shrimp accounting periods to exceed 5,350 pounds of spot shrimp per license from all Puget Sound shrimp management regions combined.

(f) It is unlawful to harvest spot shrimp from more than one Geographical Management Unit listed in 2(a) in a single day with the following exceptions:

(i) Spot shrimp may be harvested from subregion 1A and subregion 1C on the same day.

(ii) Spot shrimp may be harvested from subarea 23A-E, and either 23A-W, 23A-C or MFSF Catch Area 23B on the same day.

(3) Non-spot shrimp pot harvests:

(a) Non-spot shrimp pot harvest is permitted as indicated in the following table opening one hour before official rise until further notice. Any closures take effect one hour after official sunset.

Geographical Management Unit (WAC 220-320-140)	Open period
Subregion 1A	Closed
Subregion 1B	Closed
Subregion 1C	Closed
Region 2E	Immediately, until further notice
Region 2W	Immediately, until further notice
Region 3, not including Discovery Bay Shrimp District	Immediately, until further notice
Discovery Bay Shrimp District	Immediately, until further notice
Region 4	Closed
Region 5	Closed
Region 6	Closed

(b) The non-spot shrimp catch accounting period is weekly from one hour before official sunrise each Wednesday through one hour after official sunset on the subsequent Tuesday, totaling 7 days in length.

(c) It is unlawful for the combined total harvest of non-spot shrimp per license to exceed 700 pounds per non-spot shrimp catch accounting week from subregions 1A, 1B, 1C, and Region 2E combined.

(d) There is no weekly harvest limit of non-spot shrimp from Region 2W, Region 3, and Discovery Bay Shrimp District.

(e) Harvest of non-spot shrimp is not permitted deeper than 175 feet in subarea 23A East or subregion 1A.

(f) It is unlawful to harvest non-spot shrimp in more than one Geographical Management unit listed in subsection 3(a) in a single day with the following exceptions:

(i) Non-spot shrimp may be harvested from more than one subregion of Region 1 on the same day.

(ii) Non-spot shrimp may be harvested from Discovery Bay Shrimp District and Region 3 on the same day.

[]

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-340-52000A Commercial shrimp pot fishery—Puget Sound. (22-162)

WSR 22-17-063
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-169—Filed August 12, 2022, 4:02 p.m., effective August 15, 2022]

Effective Date of Rule: August 15, 2022.

Purpose: Amends rules for Puget Sound commercial sea cucumber.

Citation of Rules Affected by this Order: Repealing WAC 220-340-73000C; and amending WAC 220-340-730.

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 harvest of Sea Cucumber Management District 5 because the quota in this area is expected to be taken by August 14, 2022. This closure is needed to fulfill obligations of state and tribal comanager agreements. 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, 2022.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

WAC 220-340-73000D Commercial sea cucumber fishery Effective August 15, 2022 and until further notice, or until this rule expires on December 9, 2022 pursuant to RCW 34.05.350, the following provisions of WAC 220-340-730 regarding Puget Sound commercial sea cucumber harvest and sales shall be described below. All other provisions of WAC 220-340-730 not addressed herein, and unless otherwise amended, remain in effect:

(1) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber Districts 1, 2-1, and 2-2 Monday through Sunday of each week.

(2) The maximum cumulative landing of sea cucumbers for each weekly fishery opening period is 1,800 pounds per valid designated sea cucumber harvest license.

[]

REPEALER

The following section of the Washington Administrative Code is repealed August 15, 2022:

WAC 220-340-73000C Commercial sea cucumber fishery.
(22-161)

WSR 22-17-064
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-167—Filed August 12, 2022, 5:07 p.m., effective August 12, 2022, 5:07 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule is to remove daily limits for gamefish on Williams Lake.

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: This emergency rule is necessary to provide additional angling and harvest opportunity in Williams Lake prior to the scheduled treatment with the piscicide rotenone. 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, 2022.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

WAC 220-312-05000T Freshwater exceptions to statewide rules—Eastside. Effective immediately, through October 31, 2022 the following provisions of WAC 220-312-050, regarding gamefish seasons, size restrictions and daily limits shall be as follows. All other provisions of WAC 220-312-050 remain in effect unless modified by emergency rule:

Williams Lake (Spokane County):

(a) Immediately, through October 9, 2022: No size restrictions, no daily limit for gamefish.

(b) October 10, through October 31, 2022: Closed to all fishing.

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WSR 22-17-070
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 16, 2022, 8:55 a.m., effective August 16, 2022, 8:55 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This emergency rule allows the factory assembled structure program (program) to effectively approve plans for commercial coach trailers, factory-built housing and commercial structures, recreational park trailers (RPTs), recreational vehicles (RVs), and conversion vendor units (food trucks and trailers) as required under RCW 43.22.360 and 43.22.480. The rule language includes changes to chapters 296-150C and 296-150F WAC that clarify plan submission requirements. The rule adds provisions to chapters 296-150P, 296-150R, and 296-150V WAC to allow plans for RPTs, RVs, and conversion vendor units to be reviewed and approved by a licensed professional engineer, architect, or firm as authorized by RCW 43.22.360(3).

This emergency rule is needed to allow the program to continue addressing a backlog of more than 900 design plans that still exists, while permanent rules are being developed.

Citation of Rules Affected by this Order: New WAC 296-150P-0315, 296-150P-0520, 296-150P-0530, 296-150P-0540, 296-150P-0550, 296-150P-0560, 296-150P-0570, 296-150P-0580, 296-150P-0590, 296-150P-3001, 296-150R-0315, 296-150R-0520, 296-150R-0530, 296-150R-0540, 296-150R-0550, 296-150R-0560, 296-150R-0570, 296-150R-0580, 296-150R-0590, 296-150R-3001, 296-150V-0420, 296-150V-0430, 296-150V-0440, 296-150V-0450, 296-150V-0460, 296-150V-0470, 296-150V-0480, 296-150V-0490 and 296-150V-3001; and amending WAC 296-150C-0310, 296-150C-0420, 296-150C-0430, 296-150C-0460, 296-150C-0480, 296-150F-0310, 296-150F-0420, 296-150F-0430, 296-150F-0460, 296-150F-0480, 296-150P-0020, and 296-150V-0310.

Statutory Authority for Adoption: RCW 43.22.360(3), 43.22.480(3).

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 making allows the program to address the backlog of 900 design plans that still exists, while permanent rules are being developed. The department of labor and industries (L&I) plans to file a preproposal statement of inquiry (CR-101) to initiate the permanent rule-making process on August 16, 2022. L&I will be seeking input from stakeholders in the development of the permanent rules.

In February 2020, a state of emergency was declared in Washington state to respond to the COVID-19 virus, which ultimately became a global pandemic. L&I has been involved in several efforts to respond to the pandemic effects on the economy, employment, and worker safety. As a result of L&I's response, resources and staffing shortages in the program have developed a backlog of plans for review and approval. This emergency rule is needed to protect the general welfare of Washingtonians by ensuring plans for commercial coaches, factory-built housing and commercial structures, RPTs, RVs, and conversion vendor units are approved in a timely manner and inspected to the safety

standards of chapters 296-150C, 296-150F, 296-150P, 296-150R, and 296-150V WAC. If the emergency rule is not adopted, the backlog of plans needing review by the program will significantly increase and likely cause serious harm to the entire FAS industry by impacting production as well as putting the public at risk of harm due to the lack of safety inspections for these structures prior to them being used by businesses and the public.

As of this filing, the program has more than 900 plans waiting for review by the program's seven plan examiners. L&I has worked aggressively to hire more plan reviewers. These plans are for all the types of structures identified above and include everything from simple RV trailers to large commercial buildings.

The backlog has also created delays in public safety inspections of factory-built housing and commercial structures and of conversion vendor units (food trucks and trailers) because inspections cannot be performed without approved plans. In addition, lacking plans for some of their designs, the RV and RPT industries face delays in sending their products to Washington as they cannot apply Washington labels to models that have not been reviewed and approved.

These changes and additions made in the emergency rule will help address and reduce the backlog of plan reviews and promote timely public safety inspections by providing for "licensed professional" plan reviews for the program. This will provide manufacturers with an alternate method to obtain approved plans in a timely manner, thus helping businesses remain in business or continue business operations. The emergency rule and its impact on the backlog of reviews and inspections will support restaurants and other types of businesses complying with COVID-19 requirements by allowing those businesses to serve people outside, and keep workers safely distanced from the public according to state and local social distancing guidelines. In addition, updating the existing rules in chapters 296-150C and 296-150F WAC will make it easier for manufacturers using licensed professional reviews by simplifying and clarifying our requirements for those types of plans.

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 29, Amended 12, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 29, Amended 12, 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 29, Amended 12, Repealed 0.

Date Adopted: August 16, 2022.

Joel Sacks
Director

OTS-3538.1

AMENDATORY SECTION (Amending WSR 98-14-078, filed 6/30/98, effective 7/31/98)

WAC 296-150C-0310 Who can approve design plans? (1) Design plans can be approved by us or by a licensed professional or firm authorized by us. (See WAC 296-150C-0420 and 296-150C-0430.)

(2) All electrical design plans for new or altered electrical installations for educational institutions, health care facilities, and other buildings required by chapter 296-46 WAC, Safety standards—Installing electric wires and equipment—Administrative rules, must be reviewed and approved by us.

(3) ~~((A professional cannot approve plans submitted under a reciprocal agreement.))~~ All design plans submitted under a reciprocal agreement for multistate approval must be reviewed and approved by us.

[Statutory Authority: Chapter 43.22 RCW. WSR 98-14-078, § 296-150C-0310, filed 6/30/98, effective 7/31/98. Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. WSR 96-21-146, § 296-150C-0310, filed 10/23/96, effective 11/25/96.]

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0420 Who can be authorized to approve design plans?

(1) A professional engineer, architect or firm licensed by the state of Washington according to the Engineers Registration Act, chapter 18.43 RCW and/or the Architects Registration Act, chapter 18.08 RCW; or

(2) A professional engineer, architect or firm licensed in another state that has licensing or certification requirements that meet or exceed Washington requirements.

(3) A professional who designs and certifies that the commercial coach design meets state requirements cannot also approve the design plan in the plan approval process.

(4) A professional cannot approve those electrical designs listed in WAC 296-150C-0310(2).

(5) A professional cannot approve plans submitted under a reciprocal agreement.

[Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. WSR 96-21-146, § 296-150C-0420, filed 10/23/96, effective 11/25/96.]

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0430 What information must a professional or firm provide to be authorized to approve design plans? (1) Name, a copy of your certificate of registration or authority, and address of the professional engineer ~~((or))~~, architect, or firm; ((or)) and

(2) ~~((Name, a copy of your certificate of authority, and address of the firm; and~~
~~(3))~~) A description of the services the professional engineer, architect, or firm will provide in the areas of structural, fire and life safety, energy, mechanical, plumbing, and electrical plan review; and
~~((4) A description)~~) (3) A summary of the professional's
~~((area(s) of))~~ or firm's expertise and qualifications ~~((which include:~~
~~(a) A summary of the professional's or firm's experience; and~~
~~(b) Verification of experience in your area of expertise such as structural, mechanical, plumbing, energy, electrical, fire and life safety, and ventilation and indoor air quality))~~ to review plans in the areas identified by the description of services.

[Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. WSR 96-21-146, § 296-150C-0430, filed 10/23/96, effective 11/25/96.]

AMENDATORY SECTION (Amending WSR 98-14-078, filed 6/30/98, effective 7/31/98)

WAC 296-150C-0460 What information must a manufacturer (~~provide~~) send to the department when a professional or firm does the design-plan approval? You must ~~((provide))~~ send us the following information ~~((with))~~ in your approved design plans:

- (1) A completed departmental design-plan approval request form;
- (2) ~~((Two or more))~~ A set ~~((s))~~ of design plans ~~((plus elevation))~~, drawings, specifications, engineering analysis, and test results and procedures necessary for a complete code evaluation of the design. These design plans must ~~((have an original wet stamp, be signed, and dated))~~ be sealed by the ~~((approving))~~ design professional(s) ~~((see WAC 296-150C-0340 and 296-150C-0350))~~ in accordance with chapters 196-23 and 308-12 WAC;
- (3) A cover sheet on the design plan noting which professional approved each portion of the design plan;
- (4) A copy of the authorization letter from us;
- (5) The design plan fee for design plans approved by professionals or firms; (see WAC 296-150C-3000.)
- ~~((6) A professional who designs and certifies that the commercial coach design meets state requirements cannot also approve the design plan in the plan approval process;~~
- ~~(7) A professional cannot approve those electrical designs listed in WAC 296-150C-0310(2); and~~
- ~~(8) A professional cannot approve plans submitted under a reciprocal agreement.)~~

[Statutory Authority: Chapter 43.22 RCW. WSR 98-14-078, § 296-150C-0460, filed 6/30/98, effective 7/31/98. Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. WSR 96-21-146, § 296-150C-0460, filed 10/23/96, effective 11/25/96.]

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0480 Do you have a list of professionals or firms that are authorized to approve design plans? Yes. We will maintain a list of the licensed professionals and firms that are authorized to approve design plans for commercial coaches.

[Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. WSR 96-21-146, § 296-150C-0480, filed 10/23/96, effective 11/25/96.]

OTS-3539.1

AMENDATORY SECTION (Amending WSR 12-15-061, filed 7/17/12, effective 9/1/12)

WAC 296-150F-0310 Who can approve design plans? (1) Design plans can be approved by us or by a licensed professional or firm authorized by us (see WAC 296-150F-0420 and 296-150F-0430).

(2) All electrical design plans for new or altered electrical installations for educational, institutional, health care facilities, and other buildings (see WAC 296-46B-900) must be reviewed and approved by us.

(3) All design plans submitted under a reciprocal agreement for multistate approval must be reviewed and approved by us.

[Statutory Authority: Chapter 43.22 RCW. WSR 12-15-061, § 296-150F-0310, filed 7/17/12, effective 9/1/12. Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. WSR 96-21-146, § 296-150F-0310, filed 10/23/96, effective 11/25/96.]

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150F-0420 Who can be authorized to approve design plans?

(1) A professional engineer, architect, or firm licensed by the state of Washington according to the Engineers Registration Act, chapter 18.43 RCW and/or the Architects Registration Act, chapter 18.08 RCW; or

(2) A professional engineer, architect or firm licensed in another state that has licensing or certification requirements that meet or exceed Washington requirements.

(3) A professional who designs and certifies that the factory-built home or commercial structure design meets state requirements cannot also approve the design plan in the plan approval process;

(4) A professional cannot approve those electrical designs listed in WAC 296-150F-0310(2); and

(5) A professional cannot approve plans submitted under a reciprocal agreement.

[Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. WSR 96-21-146, § 296-150F-0420, filed 10/23/96, effective 11/25/96.]

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150F-0430 What information must a professional or firm provide to be authorized to approve design plans? (1) Name, a copy of your certificate of registration or authority, and address of the professional engineer ~~((or))~~, architect, or firm; ~~((or))~~ and
 (2) ~~((Name, a copy of your certificate of authority, and address of the firm; and~~
~~(3))~~ A description of the services the professional engineer, architect, or firm will provide in the areas of structural, fire and life safety, energy, mechanical, plumbing, and electrical plan review; and
~~((4) A description))~~ (3) A summary of the professional's
~~((area(s) of))~~ or firm's expertise and qualifications ~~((which include:~~
~~(a) A summary of the professional's or firm's experience; and~~
~~(b) Verification of experience in your area of expertise such as structural, mechanical, plumbing, energy, electrical, fire and life safety, and ventilation and indoor air quality))~~ to review plans in the areas identified by the description of services.

[Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. WSR 96-21-146, § 296-150F-0430, filed 10/23/96, effective 11/25/96.]

AMENDATORY SECTION (Amending WSR 98-14-078, filed 6/30/98, effective 7/31/98)

WAC 296-150F-0460 What information must a manufacturer ((provide)) send to the department when a professional or firm does the design plan approval? You must ~~((provide))~~ send us the following information ~~((with))~~ in your approved design plan:
 (1) A completed departmental design plan approval request form;
 (2) ~~((Two or more))~~ A set((s)) of the design plan~~((s plus elevation))~~ drawings, specifications, engineering analysis, and test results and procedures necessary for a complete code evaluation of the design. These design plans must ~~((have an original wet stamp, be signed, and dated))~~ be sealed by the ~~((approving))~~ design professional(s) ~~((see WAC 296-150F-0340 and 296-150F-0350))~~ in accordance with chapters 196-23 and 308-12 WAC;
 (3) A cover sheet on the design plan noting which professional approved each portion of the design plan;
 (4) A copy of the authorization letter from us; and
 (5) The design plan fee for design plans approved by professionals or firms (see WAC 296-150F-3000) ~~((~~
~~(6) A professional who designs and certifies that the factory-built home or commercial structure design meets state requirements cannot also approve the design plan in the plan approval process;~~

~~(7) A professional cannot approve those electrical designs listed in WAC 296-150F-0310(2); and~~

~~(8) A professional cannot approve plans submitted under a reciprocal agreement).~~

[Statutory Authority: Chapter 43.22 RCW. WSR 98-14-078, § 296-150F-0460, filed 6/30/98, effective 7/31/98. Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. WSR 96-21-146, § 296-150F-0460, filed 10/23/96, effective 11/25/96.]

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150F-0480 Do you have a list of professionals or firms that are authorized to submit design plans? Yes. We will maintain a list of the licensed professionals and firms that are authorized to approve design plans for factory-built housing and commercial structures.

[Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. WSR 96-21-146, § 296-150F-0480, filed 10/23/96, effective 11/25/96.]

OTS-3540.2

AMENDATORY SECTION (Amending WSR 12-15-061, filed 7/17/12, effective 9/1/12)

WAC 296-150P-0020 What definitions apply to this chapter? "**Alteration**" is the replacement, addition, modification, or removal of any equipment or material that affects the fire and life safety provisions, structural system, plumbing systems, fuel systems and equipment or electrical systems of a recreational park trailer.

The following changes are not considered alterations for purposes of this chapter:

- Repairs with approved parts;
- Modification of a fuel-burning appliance according to the terms of its listing; and
- Adjustment and maintenance of equipment.

"**Alteration insignia**" is an insignia which indicates a recreational park trailer alteration was approved by the department.

"**ANSI**" is the American National Standards Institute, Inc., and the institute's rules applicable to recreational park trailers. For the purposes of this chapter, references to ANSI mean ANSI A119.5 Recreational Park Trailers, current edition.

"**Approved**" is approved by the department of labor and industries.

"**Audit**" by the department is the department inspection of a manufacturer's quality control procedures, comprehensive plans, and recreational park trailers.

"Comprehensive design plan" consists of the design plans and copies of drawings such as:

- Floor plans relating to fire and life safety, structural, electrical, plumbing, liquefied petroleum (LP) and/or natural gas systems and appliances and air conditioning systems, if applicable to the plan of each recreational park trailer.
- Plumbing line drawings which describe the size, length and location of gas piping lines, liquid and body waste lines, liquid and body waste tanks, and potable water tanks.
- Electrical drawings. (See WAC 296-150P-0330.)

"Consumer" is a person or organization who buys or leases recreational park trailers.

"Dealer" is a person or organization whose business is offering recreational park trailers for sale or lease.

"Department" is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, P.O. Box 44430, Olympia, WA 98504-4430.

"Equipment" is all material, appliances, fixtures, and accessories used in the manufacture or alteration of recreational park trailers.

"Manual" is a reference containing instructions, procedures, responsibilities and other information used to implement and maintain the quality control program of a recreational park trailer manufacturer.

"National Electrical Code" see Appendix 'C' of ANSI A119.5 for reference to the appropriate edition to use for compliance.

"Recreational park trailer" also known as a "Park Model RV" is a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping or seasonal use, that meets the following criteria:

- Built on a single chassis, mounted on wheels;
- Having a gross trailer area not exceeding 400 square feet (37.15 square meters) in the set-up mode; and
- Certified by the manufacturer as complying with ANSI A119.5.

"Quality control" is the plan and method for ensuring that the manufacture, fabrication, assembly, installation, storing, handling, and use of materials complies with this chapter and ANSI.

"State-plan insignia" is an insignia which is obtained under the state design-plan approval process.

"System" is a part of a recreational park trailer that is designed to serve a particular function such as plumbing, electrical, heating, mechanical or structural system.

[Statutory Authority: Chapter 43.22 RCW. WSR 12-15-061, § 296-150P-0020, filed 7/17/12, effective 9/1/12. Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. WSR 03-12-044, § 296-150P-0020, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.340 and 43.22.480. WSR 99-13-010, § 296-150P-0020, filed 6/4/99, effective 7/5/99. Statutory Authority: RCW 43.22.340 and 43.22.420. WSR 97-16-043, § 296-150P-0020, filed 7/31/97, effective 12/1/97.]

NEW SECTION

WAC 296-150P-0315 Who can approve design plans? (1) Comprehensive design plans for recreational park trailers can be approved by us or by a licensed professional or firm authorized by us. (See WAC 296-150P-0520 and 296-150P-0530.)

(2) All design plans for quality control manuals must be reviewed and approved by the department.

[]

NEW SECTION

WAC 296-150P-0520 Who can be authorized to approve design plans?

(1) A professional engineer, architect, or firm licensed by the state of Washington according to the Engineers Registration Act, chapter 18.43 RCW and/or the Architects Registration Act, chapter 18.08 RCW; or

(2) A professional engineer, architect, or firm licensed in another state that has licensing or certification requirements that meet or exceed Washington requirements.

(3) A professional cannot approve quality control plans.

[]

NEW SECTION

WAC 296-150P-0530 What information must a professional or firm provide to be authorized to approve design plans? (1) Name, a copy of your certificate of registration or authority, and address of the professional engineer, architect, or firm; and

(2) A description of the services the professional engineer, architect, or firm will provide in the areas of structural, fire and life safety, mechanical, plumbing, and electrical plan review for recreational park trailers; and

(3) A summary of the professional's or firm's expertise and qualifications to review plans in the areas identified by the description of services.

[]

NEW SECTION

WAC 296-150P-0540 How will I know whether I am authorized to approve design plans? Within 60 days after you submit the information requested in WAC 296-150P-0530, we will send you a letter either approving or denying your authorization request.

(1) If we approve your request, your name is added to the list of licensed professionals and firms authorized to approve design plans.

(a) We will authorize a professional to approve portions of a design plan within his or her area of expertise; and

(b) We will authorize an engineering or architectural firm to approve plans if the firm employs or contracts with professionals within the area of expertise necessary for the design plan.

(2) If we do not approve your request, we will notify you in writing why we are denying your request for authorization. If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree. (See WAC 296-150P-0100.)

[]

NEW SECTION

WAC 296-150P-0550 How long is a licensed professional or firms authorization effective? Your authorization to approve design plans is effective until your license expires, is revoked, or is suspended.

(1) You must notify us of your license renewal at least 15 days before your license expires, to prevent your name from being removed from our licensed professional and firm list.

(2) You must notify us immediately if your license is revoked or suspended. Your name is then removed from the list of licensed professionals and firms authorized to approve design plans.

[]

NEW SECTION

WAC 296-150P-0560 What information must a manufacturer send to the department when a professional or firm does the design-plan approval? You must send us the following information in your approved design plans:

(1) A completed departmental design-plan approval request form;

(2) A set of design plan drawings, specifications, engineering analysis, and test results and procedures necessary for a complete code evaluation of the design. When required by chapter 196-23 or 308-12 WAC, design documents prepared by licensed professionals must be sealed;

(3) A cover sheet on the design plan noting which professional approved each portion of the design plan;

(4) A copy of the authorization letter from us;

(5) The design plan fee for design plans approved by professionals or firms. (See WAC 296-150P-3000.)

[]

NEW SECTION

WAC 296-150P-0570 What happens after we receive the professional or firm approved design plan and information? (1) After we receive your approved design plans and information, we will review the information and assign a plan approval number. We will send a copy of the design plan with the plan approval number to the manufacturer.

(2) We may periodically audit design plans approved by a professional engineer, architect, or firm to ensure compliance with design plan requirements. The department's periodic audit should not be construed as certifying that the plans are safe.

(3) If the audit reveals that the design plans approved by the professionals and firms do not comply with this chapter, you will be notified and required to pay our fees for review and approval of the design plans. (See WAC 296-150P-3000.)

[]

NEW SECTION

WAC 296-150P-0580 Do you have a list of professionals or firms that are authorized to approve design plans? Yes. We will maintain a list of the licensed professionals and firms that are authorized to approve design plans for conversion vendor units.

[]

NEW SECTION

WAC 296-150P-0590 Who approves addendums to design plans approved by a professional or firm? (1) You must have the professional or firm approve an addendum to a design plan, if they initially approved your design plan.

(2) If the professional or firm who approved your design plan is no longer on the department list, you may have us approve your addendum.

[]

NEW SECTION

WAC 296-150P-3001 Recreational park trailer fees for design plans approved by a professional or firm. Design plans approved by a professional or firm under this chapter will be charged a fee of \$30.00.

[]

OTS-3541.2

NEW SECTION

WAC 296-150R-0315 Who can approve design plans? (1) Comprehensive design plans for recreational vehicles can be approved by us or

by a licensed professional or firm authorized by us. (See WAC 296-150R-0520 and 296-150R-0530.)

(2) All design plans for quality control manuals must be reviewed and approved by the department.

[]

NEW SECTION

WAC 296-150R-0520 Who can be authorized to approve design plans?

(1) A professional engineer, architect, or firm licensed by the state of Washington according to the Engineers Registration Act, chapter 18.43 RCW and/or the Architects Registration Act, chapter 18.08 RCW; or

(2) A professional engineer, architect, or firm licensed in another state that has licensing or certification requirements that meet or exceed Washington requirements.

(3) A professional cannot approve quality control plans.

[]

NEW SECTION

WAC 296-150R-0530 What information must a professional or firm provide to be authorized to approve design plans? (1) Name, a copy of your certificate of registration or authority, and address of the professional engineer, architect, or firm; and

(2) A description of the services the professional engineer, architect, or firm will provide in the areas of structural, fire and life safety, mechanical, plumbing, and electrical plan review for recreational vehicles; and

(3) A summary of the professional's or firm's expertise and qualifications to review plans in the areas identified by the description of services.

[]

NEW SECTION

WAC 296-150R-0540 How will I know whether I am authorized to approve design plans? Within 60 days after you submit the information requested in WAC 296-150R-0530, we will send you a letter either approving or denying your authorization request.

(1) If we approve your request, your name is added to the list of licensed professionals and firms authorized to approve design plans.

(a) We will authorize a professional to approve portions of a design plan within his or her area of expertise; and

(b) We will authorize an engineering or architectural firm to approve plans if the firm employs or contracts with professionals within the area of expertise necessary for the design plan.

(2) If we do not approve your request, we will notify you in writing why we are denying your request for authorization. If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree. (See WAC 296-150R-0100.)

[]

NEW SECTION

WAC 296-150R-0550 How long is a licensed professional or firms authorization effective? Your authorization to approve design plans is effective until your license expires, is revoked, or is suspended.

(1) You must notify us of your license renewal at least 15 days before your license expires to prevent your name from being removed from our licensed professional and firm list.

(2) You must notify us immediately if your license is revoked or suspended. Your name is then removed from the list of licensed professionals and firms authorized to approve design plans.

[]

NEW SECTION

WAC 296-150R-0560 What information must a manufacturer send to the department when a professional or firm does the design-plan approval? You must send us the following information in your approved design plans:

(1) A completed departmental design-plan approval request form;

(2) A set of design plan drawings and specifications necessary for a complete code evaluation of the design;

(3) A cover sheet on the design plan noting which professional approved each portion of the design plan;

(4) A copy of the authorization letter from us; and

(5) The design plan fee for design plans approved by professionals or firms. (See WAC 296-150R-3000.)

[]

NEW SECTION

WAC 296-150R-0570 What happens after we receive the professional or firm approved design plan and information? (1) After we receive your approved design plans and information, we will review the information and assign a plan approval number. We will send a copy of the design plan with the plan approval number to the manufacturer.

(2) We may periodically audit design plans approved by a professional engineer, architect, or firm to ensure compliance with design plan requirements. The department's periodic audit should not be construed as certifying that the plans are safe.

(3) If the audit reveals that the design plans approved by the professionals and firms do not comply with this chapter, you will be

notified and required to pay our fees for review and approval of the design plans. (See WAC 296-150R-3000.)

[]

NEW SECTION

WAC 296-150R-0580 Do you have a list of professionals or firms that are authorized to approve design plans? Yes. We will maintain a list of the licensed professionals and firms that are authorized to approve design plans for conversion vendor units.

[]

NEW SECTION

WAC 296-150R-0590 Who approves addendums to design plans approved by a professional or firm? (1) You must have the professional or firm approve an addendum to a design plan, if they initially approved your design plan.

(2) If the professional or firm who approved your design plan is no longer on the department list, you may have us approve your addendum.

[]

NEW SECTION

WAC 296-150R-3001 Recreational vehicle fees for design plans approved by a professional or firm. Design plans approved by a professional or firm under this chapter will be charged a fee of \$15.00.

[]

OTS-3542.2

AMENDATORY SECTION (Amending WSR 99-18-069, filed 8/31/99, effective 10/1/99)

WAC 296-150V-0310 Who can approve design plans? (~~Your design plan must be approved by the department.~~) (1) Design plans for conversion vendor units can be approved by us or by a licensed professional or firm authorized by us. (See WAC 296-150V-0420 and 296-150V-0430.)

(2) All design plans for medical units must be reviewed and approved by the department.

[Statutory Authority: Chapter 43.22 RCW. WSR 99-18-069, § 296-150V-0310, filed 8/31/99, effective 10/1/99.]

NEW SECTION

WAC 296-150V-0420 Who can be authorized to approve design plans?

(1) A professional engineer, architect or firm licensed by the state of Washington according to the Engineers Registration Act, chapter 18.43 RCW and/or the Architects Registration Act, chapter 18.08 RCW; or

(2) A professional engineer, architect or firm licensed in another state that has licensing or certification requirements that meet or exceed Washington requirements.

(3) A professional cannot approve medical units.

[]

NEW SECTION

WAC 296-150V-0430 What information must a professional or firm provide to be authorized to approve design plans? (1) Name, a copy of your certificate of registration or authority, and address of the professional engineer, architect, or firm; and

(2) A description of the services the professional engineer, architect, or firm will provide in the areas of fire and life safety, mechanical, plumbing, and electrical plan review for conversion vendor units; and

(3) A summary of the professional's or firm's expertise and qualifications to review plans in the areas identified by the description of services.

[]

NEW SECTION

WAC 296-150V-0440 How will I know whether I am authorized to approve design plans? Within 60 days after you submit the information requested in WAC 296-150V-0430, we will send you a letter either approving or denying your authorization request.

(1) If we approve your request, your name is added to the list of licensed professionals and firms authorized to approve design plans.

(a) We will authorize a professional to approve portions of a design plan within his or her area of expertise; and

(b) We will authorize an engineering or architectural firm to approve plans if the firm employs or contracts with professionals within the area of expertise necessary for the design plan.

(2) If we do not approve your request, we will notify you in writing why we are denying your request for authorization. If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree. (See WAC 296-150V-0100.)

[]

NEW SECTION

WAC 296-150V-0450 How long is a licensed professional or firms authorization effective? Your authorization to approve design plans is effective until your license expires, is revoked, or is suspended.

(1) You must notify us of your license renewal at least 15 days before your license expires, to prevent your name from being removed from our licensed professional and firm list.

(2) You must notify us immediately if your license is revoked or suspended. Your name is then removed from the list of licensed professionals and firms authorized to approve design plans.

[]

NEW SECTION

WAC 296-150V-0460 What information must a manufacturer send to the department when a professional or firm does the design-plan approval? You must send us the following information in your approved design plans:

(1) A completed departmental design-plan approval request form;

(2) A set of design plan drawings, specifications, engineering analysis, and test results and procedures necessary for a complete code evaluation of the design. When required by chapter 196-23 or 308-12 WAC, design documents prepared by licensed professionals must be sealed;

(3) A cover sheet on the design plan noting which professional approved each portion of the design plan;

(4) A copy of the authorization letter from us; and

(5) The design plan fee for design plans approved by professionals or firms. (See WAC 296-150V-3000.)

[]

NEW SECTION

WAC 296-150V-0470 What happens after we receive the professional or firm approved design plan and information? (1) After we receive your approved design plans and information, we will review the information and assign a plan approval number. We will send a copy of the design plan with the plan approval number to the manufacturer.

(2) We may periodically audit design plans approved by a professional engineer, architect, or firm to ensure compliance with design plan requirements. The department's periodic audit should not be construed as certifying that the plans are safe.

(3) If the audit reveals that the design plans approved by the professionals and firms do not comply with this chapter, you will be

notified and required to pay our fees for review and approval of the design plans. (See WAC 296-150V-3000.)

[]

NEW SECTION

WAC 296-150V-0480 Do you have a list of professionals or firms that are authorized to approve design plans? Yes. We will maintain a list of the licensed professionals and firms that are authorized to approve design plans for conversion vendor units.

[]

NEW SECTION

WAC 296-150V-0490 Who approves addendums to design plans approved by a professional or firm? (1) You must have the professional or firm approve an addendum to a design plan, if they initially approved your design plan.

(2) If the professional or firm who approved your design plan is no longer on the department list, you may have us approve your addendum.

[]

NEW SECTION

WAC 296-150V-3001 Conversion vendor units and medical units— Fees for design plans approved by a professional or firm. Design plans approved by a professional or firm under this chapter will be charged a fee of \$81.10.

[]

WSR 22-17-076
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-170—Filed August 16, 2022, 12:24 p.m., effective August 17, 2022]

Effective Date of Rule: August 17, 2022.

Purpose: The purpose of this emergency rule is to close Chinook retention in Catch Record Card Area 11, except for year-round piers.

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 because the current estimate of Chinook harvest for the summer is 2,724 (97 percent) of the total harvest quota of 2,816 and 2,247 (67 percent) of the total sublegal encounter limit of 3,373 agreed to in this year's list of agreed fisheries. The harvest quota for Chinook is nearly taken, suspending Chinook retention now will allow coho retention to continue through the summer. 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 16, 2022.

Kelly Susewind
Director

NEW SECTION

WAC 220-313-06000H Puget Sound salmon—Saltwater seasons and daily limits. Effective August 17 through September 30, 2022, for Catch Record Card Area 11, except year-round piers listed in WAC 220-313-060 (9)(g), the following provisions of WAC 220-313-060 regarding salmon seasons shall be modified as described below. All other provisions of WAC 220-313-060 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

(a) Open daily.

- (b) Daily limit 2.
- (c) Release Chinook and chum.

[]

WSR 22-17-084
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-171—Filed August 17, 2022, 5:05 p.m., effective August 19, 2022]

Effective Date of Rule: August 19, 2022.

Purpose: The purpose of this emergency rule is to make it unlawful to possess Chinook onboard a vessel in Catch Record Card Area 2 on days Chinook retention is closed (Fridays and Saturdays).

Citation of Rules Affected by this Order: Repealing WAC 220-313-07500L; 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 needed to extend Chinook season lengths in Catch Record Card Area 1. Pressure from anglers traveling to Catch Record Card Area 1 for Chinook from Catch Record Card Area 2 threatens to shorten Chinook retention and salmon seasons in Area 1. Closing Chinook possession on days closed to Chinook retention in Area 2 will allow salmon seasons in Area 1 to remain open as long as possible. In addition, closing Chinook retention in Area 2 altogether, beginning August 23, will allow significant angling opportunity later into the season for the substantial coho quota (62,160) in the area. 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, 2022.

Kelly Susewind
Director

NEW SECTION

WAC 220-313-07500M Pacific Ocean salmon—Seasons—Closed areas.

Effective August 19, through October 8, 2022 the provisions of WAC 220-313-075 regarding recreational salmon seasons for Marine Areas 1 through 4 shall be as described below. All other provisions of WAC

220-313-075 not addressed herein remain in effect unless otherwise amended:

(1) **Catch Record Card Area 1:** Open immediately, through September 30, 2022:

- (a) Daily limit of 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°08'40"W is closed to fishing for salmon.

(2) **Catch Record Card Area 2:** Open immediately, through September 30, 2022:

- (a) August 18, through August 22, 2022:
 - (i) Open Sundays through Thursdays:
 - (A) Daily limit of 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.
 - (ii) Open Fridays and Saturdays:
 - (A) Daily limit of 2 salmon.
 - (B) Release Chinook and wild coho.
 - (C) Coho minimum length 16 inches.
 - (D) Possession of Chinook onboard a vessel, including in transit, is unlawful.
- (b) August 23, through September 30, 2022:
 - (i) Daily limit of 2 salmon.
 - (ii) Release Chinook and wild coho.
 - (iii) Coho minimum length 16 inches.
 - (iv) Possession of Chinook onboard a vessel, including in transit, is unlawful.

(3) **Catch Record Card Area 3:**

- (a) Open immediately, through September 30, 2022:
 - (i) Daily limit of 2 salmon; no more than one may be a Chinook
 - (ii) Release wild coho.
 - (iii) Release chum beginning August 1.
 - (iv) Chinook minimum length 24 inches.
 - (v) Coho minimum length 16 inches.
- (b) Open October 5 through October 8, 2022 only in the area north of 47°50'00N. lat. and south of 48°00'00"N. lat.:
 - (i) Daily limit 2 Chinook salmon only.
 - (ii) Release all salmon except Chinook.
 - (iii) Chinook minimum length 24 inches.

(4) **Catch Record Card Area 4:** Open immediately, through September 30, 2022:

- (a) Daily limit of 2 salmon; no more than one may be a Chinook
- (b) Release chum and wild coho.
- (c) Chinook minimum length 24 inches.
- (d) Coho minimum length 16 inches.
- (e) Chinook retention prohibited in waters east of the Bonilla-Tatoosh line.

[]

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 19, 2022:

WAC 220-313-07500L Pacific Ocean salmon—Seasons—Closed areas. (22-143)

WSR 22-17-085
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-172—Filed August 17, 2022, 5:07 p.m., effective August 17, 2022, 5:07 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule is to adjust commercial coastal troll weekly Chinook limits.

Citation of Rules Affected by this Order: Repealing WAC 220-354-30000K; 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. 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 17, 2022.

Kelly Susewind
Director

NEW SECTION

WAC 220-354-30000L Coastal salmon troll seasons—Commercial.

Notwithstanding the provisions of WAC 220-354-300, WAC 220-353-050 and WAC 220-354-010, effective immediately, until further notice, it is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons and under conditions provided below:

(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: Immediately, through September 30, 2022.

(2) Landing and possession limit of 10 Chinook per vessel per landing week defined as Thursday through Wednesday.

(3) Landing and possession limit of 150 marked coho per vessel per landing week, defined as Thursday through Wednesday.

(4) The Cape Flattery and Columbia River Control Zones are closed. The Mandatory 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, sock-eye 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.

(a) 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.

(b) 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.

(c) Vessels may not land fish east of the Megler-Astoria bridge.

(11) 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) 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.

(b) 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, coho, and halibut catch aboard and destination.

(c) Vessels may not land fish east of the Sekiu River.

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REPEALER

The following section Washington Administrative Code is repealed:

WAC 220-354-30000K Coastal salmon troll seasons—
Commercial. (22-164)

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

WSR 22-17-087

EMERGENCY RULES

STATE BOARD OF HEALTH

[Filed August 18, 2022, 9:06 a.m., effective August 18, 2022, 9:06 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: WAC 246-101-017 Novel coronavirus (SARS-CoV-2), coronavirus disease 2019 (COVID-19) reporting. The Washington state board of health has adopted an eighth emergency rule to continue to designate COVID-19 as a notifiable condition and establish reporting requirements for health care providers, health care facilities, laboratories, local health jurisdictions, and the department of agriculture to report certain data with COVID-19 test results, including relevant demographic details (e.g., patient's age, race, ethnicity, sex), and testing information. The rule allows for certain waivers by a local health officer. The rule establishes what testing and demographic data need to be reported as well as the timing and mechanism of reporting in accordance with Public Law 116-136, § 18115(a), the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

Citation of Rules Affected by this Order: New WAC 246-101-017.

Statutory Authority for Adoption: RCW 43.20.050 (2)(f).

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

Reasons for this Finding: The immediate adoption of a rule to designate COVID-19 as a notifiable condition, and require the reporting of demographic, testing, and other relevant data by health care providers, health care facilities, laboratories, local health jurisdictions, and the department of agriculture for each COVID-19 test is necessary to comply with federal law and related guidance. Immediate adoption of this rule is necessary for the preservation of the public health, safety, and general welfare of the state of Washington during the global COVID-19 pandemic.

The CARES Act requires "every laboratory that performs or analyzes a test that is intended to detect SARS-CoV-2 or to diagnose a possible case of COVID-19" to report the results from each such test to the Secretary of the United States Department of Health and Human Services (HHS). The act authorizes HHS secretary to prescribe the form, manner, timing, and frequency of such reporting. HHS secretary released laboratory data reporting guidance for COVID-19 on June 4, 2020, and later updated the guidance on January 8, 2021, and March 8, 2022. The guidance requires all COVID-19 test results and accompanying data be reported through existing state, territorial, local, and tribal public health data reporting methods. Of these requirements, any person or entity ordering a test, registering an individual to be tested, collecting a specimen, or performing a test should make every reasonable effort to collect complete demographic data of the patient (e.g., ethnicity, race, age, sex). Updated guidance specifies which test results must be reported by entities based on entity and test type, and refines the list of reportable data components that must accompany test results.

In September 2020, the Centers for Medicare and Medicaid Services (CMS) published an interim final rule in Federal Register 54826, Volume 85, Number 171, to update requirements for reporting SARS-CoV-2 test results by laboratories. The interim final rule states all laboratories conducting SARS-CoV-2 testing and reporting patient-specific results, including hospital laboratories, nursing homes, and other facilities conducting testing for COVID-19, who fail to report information required under the CARES Act will be subject to monetary penalties. The interim final rules became effective September 2, 2020.

Adoption of an eighth emergency rule ensures continued compliance with the CARES Act, including updated HHS guidance, CMS requirements, and maintenance of the necessary public health response to COVID-19. The board intends to incorporate these provisions into permanent rule, and filed a CR-101 on July 20, 2021, as WSR 21-15-105.

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

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 1, 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 1, Amended 0, Repealed 0.

Date Adopted: August 18, 2022.

Michelle A. Davis
Executive Director

OTS-2485.7

NEW SECTION

WAC 246-101-017 Novel coronavirus (SARS-CoV-2), coronavirus disease 2019 (COVID-19) reporting. (1) Designating coronavirus disease 2019 (COVID-19), and the novel coronavirus (SARS-CoV-2) that causes it, as a notifiable condition, and requiring the reporting of race and ethnicity and other essential data by health care providers, health care facilities, laboratories, and local health departments related to cases of COVID-19 are necessary to ensure that public health agencies receive complete notice of COVID-19 cases and to address racial and ethnic inequities in morbidity and mortality among individuals with the disease. This rule is also necessary to align with the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act and the U.S. Department of Health and Human Services laboratory data reporting requirements for COVID-19 testing, which require reporting of COVID-19 data to the appropriate state or local health department and the U.S. Department of Health and Human Services, and further, that any person or entity ordering a diagnostic or serologic test, collecting a specimen, or performing a test should make every reasonable effort to col-

lect complete demographic information and include such data when ordering a laboratory test to enable the entities performing the test to report these data to state, territorial, local, and tribal public health departments. During this global pandemic, immediate adoption of a rule requiring notice of novel coronavirus (SARS-CoV-2) as a notifiable condition and reporting of race, ethnicity, and other essential data is necessary for the preservation of public health, safety, and general welfare.

(2) For the purpose of this section:

(a) "Animal case" means an animal, alive or dead, with a diagnosis of novel coronavirus (SARS-CoV-2) made by a veterinarian licensed under chapter 18.92 RCW, veterinary medical facility licensed under chapter 18.92 RCW, or veterinary laboratory as defined under chapter 16.70 RCW based on clinical criteria, or laboratory criteria, or both.

(b) "Antigen test" means an immunoassay test that detects the presence or absence of SARS-CoV-2 protein to indicate current SARS-CoV-2 infection.

(c) "Business day" means any day that the department is open for business.

(d) "Health care facility" means:

(i) Any assisted living facility licensed under chapter 18.20 RCW; birthing center licensed under chapter 18.46 RCW; nursing home licensed under chapter 18.51 RCW; hospital licensed under chapter 70.41 RCW; adult family home licensed under chapter 70.128 RCW; ambulatory surgical facility licensed under chapter 70.230 RCW; private establishment licensed under chapter 71.12 RCW; or enhanced service facility licensed under chapter 70.97 RCW; and

(ii) Clinics or other settings where one or more health care providers practice.

(e) "Immediately" means without delay, twenty-four hours a day, seven days a week.

(f) "Nucleic acid amplification test" or "NAAT" means a viral diagnostic test including reverse transcription polymerase chain reaction (RT-PCR), transcription mediated amplification (TMA), loop-mediated isothermal amplification (LAMP), strand displacement amplifications (SDA), and other NAATs authorized for emergency use by the U.S. Food and Drug Administration for the detection for SARS-CoV-2.

(g) "Reference laboratory" means a laboratory licensed inside or outside of Washington state that receives a specimen from another licensed laboratory and performs one or more tests on that specimen.

(h) "Secure electronic data transmission" means electronic communication and accounts developed and maintained to prevent unauthorized access, loss, or compromise of sensitive information including, but not limited to, secure file transfer, secure facsimile, a health information exchange authorized under RCW 41.05.039, and the secure electronic disease surveillance system.

(i) "Secure electronic disease surveillance system" means the secure electronic data transmission system maintained by the department and used by local health departments to submit notifications, investigation reports, and outbreak reports under this chapter.

(j) "Waived test" has the same meaning as WAC 246-338-010

(45) (b).

(k) Patient's ethnicity shall be identified by the patient and reported using one of the following categories:

(i) Hispanic or Latino;

(ii) Non-Hispanic or Latino;

(iii) Unknown; or

(iv) Asked, but unknown.

(1) Patient's race shall be identified by the patient and reported using one or more of the following categories:

(i) American Indian or Alaska Native;

(ii) Asian;

(iii) Black or African American;

(iv) Native Hawaiian or Other Pacific Islander;

(v) White;

(vi) Unknown; or

(vii) Asked, but unknown.

(3) Unless a health care facility has assumed the notification duties of the principal health care provider under subsection (7) of this section, or a laboratory director in a health care facility where laboratory point-of-care testing occurs under a certificate of waiver as described in WAC 246-338-020 has fulfilled the laboratory notification requirements as described in subsection (9) of this section, the principal health care provider shall submit individual case reports of novel coronavirus (SARS-CoV-2) to the local health department via secure electronic data transmission using a file format or template specified by the department:

(a) Within 24 hours of receiving a laboratory confirmed positive test result; and

(b) Following the requirements of this section, WAC 246-101-105, and WAC 246-101-120; excluding the requirements in WAC 246-101-105(10).

(4) The local health officer may waive or partially waive subsection (3) or (5) of this section, or both if the local health officer determines individual case reports of novel coronavirus (SARS-CoV-2) submitted by health care providers or health care facilities are not needed and are not promoting public health for any reason including, but not limited to, the local health department being unable to process the volume of case reports. The local health officer shall notify health care providers and health care facilities upon their determination.

(5) A health care facility shall submit individual case reports of novel coronavirus (SARS-CoV-2) to the local health department via secure electronic data transmission using a file format or template specified by the department:

(a) Within 24 hours of receiving a laboratory confirmed positive test result; and

(b) Following the requirements of this section, WAC 246-101-305, and WAC 246-101-320; excluding the requirement in WAC 246-101-305(4).

(6) Health care providers and health care facilities shall provide the local health department with the information identified in Column A of Table 1 in this section for individual case reports concerning novel coronavirus (SARS-CoV-2).

(7) A health care facility may assume the notification requirements established in this section for a health care provider practicing within the health care facility.

(8) A health care facility shall not assume the notification requirements established in this section for a laboratory that is a component of the health care facility.

(9) A principal health care provider is not required to submit individual case reports of novel coronavirus (SARS-CoV-2) to the local health department when the provider practices in a health care facility where laboratory point-of-care testing occurs under a certificate of waiver as described in WAC 246-338-020 and the laboratory director

has fulfilled the laboratory notification requirements under subsections (12), (13), and (14) of this section.

(10) Health care providers and health care facilities shall provide the laboratory with the information identified in Column A of Table 1 in this section for each test ordered for novel coronavirus (SARS-CoV-2).

(11) For specimens associated with novel coronavirus (SARS-CoV-2) sent to a laboratory outside of Washington state, health care providers, health care facilities, and laboratories shall provide the out-of-state laboratory with a copy of chapter 246-101 WAC if they arrange for the out-of-state laboratory to report the test results consistent with WAC 246-101-105 (5)(a), 246-101-205 (1)(f)(i), or 246-101-305 (1)(e)(i) to the local health department as required under this subsection.

(12) For laboratories licensed to conduct moderate or high complexity testing, the laboratory director shall submit individual laboratory reports of positive, negative, and inconclusive test results from all NAAT and antigen tests performed for novel coronavirus (SARS-CoV-2) to the local health department:

(a) Via secure electronic data transmission using a file format or template specified by the department;

(b) Within 24 hours of results being known or determined; and

(c) Following the requirements of this section, WAC 246-101-205, and WAC 246-101-230; excluding the requirements in WAC 246-101-205(3).

(13) For laboratories licensed to conduct waived tests under a certificate of waiver, a laboratory director shall submit individual laboratory reports of positive test results from all waived tests, excluding antibody testing, for novel coronavirus (SARS-CoV-2) to the local health department:

(a) Via secure electronic data transmission using a file format or template specified by the department;

(b) Within 24 hours of results being known or determined; and

(c) Following the requirements of this section, WAC 246-101-205, and 246-101-230; excluding the requirements in WAC 246-101-205(3).

(14) A laboratory director shall provide the information identified in Column B of Table 1 in this section to the local health department with each novel coronavirus (SARS-CoV-2) laboratory report.

(15) A laboratory director, upon request by the local health department or the department, shall submit novel coronavirus (SARS-CoV-2) presumptive positive isolates or, if no isolate is available, the specimen associated with the presumptive positive result to the Washington state public health laboratories within two business days of request. Specimens shall be sent to:

Washington State Public Health Laboratories
Washington State Department of Health
1610 N.E. 150th Street
Shoreline, WA 98155

(16) If the local health department or the department requests a specimen under subsection (15) of this section, a laboratory director shall provide the Washington state public health laboratories with the information identified in Column C of Table 1 in this section with each specimen submitted.

(17) When referring a specimen to another laboratory for a test for novel coronavirus (SARS-CoV-2), a laboratory director shall provide the reference laboratory with the information identified in Column D of Table 1 in this section for each test referral.

(18) The department of agriculture shall submit individual case reports for each animal case of novel coronavirus (SARS-CoV-2) to the department via secure electronic data transmission using a file format or template specified by the department within twenty-four hours of being notified of the animal case.

(19) The department of agriculture shall call the department and confirm receipt immediately after submitting a case report for each animal case of novel coronavirus (SARS-CoV-2).

(20) When the department of agriculture submits information under subsection (18) of this section, the department shall:

(a) Consult with the department of agriculture on all animal cases; and

(b) Notify the local health department of animal cases submitted to the department.

(21) A local health department shall, using a secure electronic disease surveillance system:

(a) Notify the department within one business day upon receiving a case, laboratory, or animal case report of positive test results, excluding antibody testing, for novel coronavirus (SARS-CoV-2); and

(b) Notify the department within five business days upon receiving a laboratory report of negative or inconclusive test results for novel coronavirus (SARS-CoV-2); and

(c) Submit individual investigation reports of novel coronavirus (SARS-CoV-2) to the department within one business day upon completing the case investigation.

(22) Notifications required under subsection (21)(a) and (b) of this section must include the information identified in Column E of Table 1 in this section.

(23) Investigation reports required under subsection (21)(c) of this section must include the information identified in Column F of Table 1 in this section.

(24) A local health department shall, within one business day, reassign cases to the department upon determining the patient who is the subject of the case:

(a) Is a resident of another local health department; or

(b) Resides outside Washington state.

(25) A local health department, upon consultation with the department, may forward novel coronavirus (SARS-CoV-2) individual laboratory or case reports submitted by laboratories, health care providers, and health care facilities to the department for data entry and processing.

(26) The local health officer or the state health officer may request additional information of epidemiological or public health value when conducting a case investigation or otherwise for prevention and control of a specific notifiable condition.

(27) Health care providers, health care facilities, laboratories, and the department of agriculture may provide, via secure electronic data transmission using a file format or template specified by the department, additional health information, demographic information, or infectious or noninfectious condition information than is required under this section to the department, local health department, or both when it determines that the additional information will aid the public health authority in protecting the public's health and preventing the spread of novel coronavirus (SARS-CoV-2).

Table 1

Required Reporting for Health Care Providers, Health Care Facilities, Laboratories, and Local Health Departments

	Column A: Health care providers and health care facilities shall provide the following information to the local health department with each case report, and to the laboratory with each test ordered:	Column B: Laboratory directors shall provide the local health department with the following information with each laboratory report:	Column C: Laboratory directors shall provide the department with the following information with each specimen submitted:	Column D: Laboratory directors shall provide the following information when referring a specimen to another laboratory:	Column E: Local health department notifications to the department must include:	Column F: Local health department investigation reports to the department must include:
Patient's name (last name, first name, middle initial)	X	X	X	X	X	X
Patient's street address, including residence zip code and county	X	X	X	X	X	X
Patient's telephone number with area code	X	X	X	X	X	X
Patient's age and date of birth	X	X	X	X	X	X
Patient's ethnicity, using the categories described in subsection (2)(k) of this section	X	X	X	X	X	X
Patient's race, using the categories described in subsection (2)(l) of this section	X	X	X	X	X	X
Patient's sex	X	X	X	X	X	X
Test ordered, performed, and resulted, using appropriate LOINC codes as defined by the Laboratory in Vitro Diagnostics (LIVD) Test Code Mapping for SARS-CoV-2 tests provided by the CDC		X	X	X	X*	X*
Test result (values) using appropriate SNOMED-CT codes as defined by the LIVD Test Code Mapping for SARS-CoV-2 tests provided by the CDC		X	X	X	X*	X*

	Column A: Health care providers and health care facilities shall provide the following information to the local health department with each case report, and to the laboratory with each test ordered:	Column B: Laboratory directors shall provide the local health department with the following information with each laboratory report:	Column C: Laboratory directors shall provide the department with the following information with each specimen submitted:	Column D: Laboratory directors shall provide the following information when referring a specimen to another laboratory:	Column E: Local health department notifications to the department must include:	Column F: Local health department investigation reports to the department must include:
Test result date (date format)		X	X		X*	X*
Device identifier		X	X		X*	X*
Accession number or specimen ID		X	X		X*	X*
Date of specimen collection (date format)	X	X	X	X	X	X
Specimen source, using appropriate SNOMED-CT, SPM4 codes, or equivalently detailed alternative codes		X	X	X	X*	X*
Ordering organization or health care provider's name	X	X	X	X	X	X
Ordering organization or health care provider's National Provider Identifier (as applicable) and affiliated organization (specific facility)	X	X	X	X	X	X
Ordering organization or health care provider's telephone number	X	X	X	X	X	X
Ordering organization or health care provider's address including zip code	X	X	X	X	X	X
Performing laboratory or facility name and CLIA number		X	X		X*	X*
Performing laboratory or facility address including zip code		X	X		X*	X*
Performing laboratory or facility phone number		X	X		X*	X*

	Column A: Health care providers and health care facilities shall provide the following information to the local health department with each case report, and to the laboratory with each test ordered:	Column B: Laboratory directors shall provide the local health department with the following information with each laboratory report:	Column C: Laboratory directors shall provide the department with the following information with each specimen submitted:	Column D: Laboratory directors shall provide the following information when referring a specimen to another laboratory:	Column E: Local health department notifications to the department must include:	Column F: Local health department investigation reports to the department must include:
Reporting entity name and CLIA number (or appropriate ID)		X	X	X	X*	X*
Reporting entity address including zip code		X	X	X	X*	X*
Reporting entity phone number		X	X	X	X*	X*
Name and telephone number of the person providing the report	X					
Patient's notifiable condition	X				X	X
Patient's diagnosis of disease or condition	X					
Date specimen received by reporting laboratory		X	X		X*	X*
Type of specimen tested	X	X	X	X	X*	X*
Pertinent laboratory data	X					
Initial notification source					X	X
Date local health department was notified						X
Condition symptom onset date (preferred), or alternatively, diagnosis date						X
Hospitalization status of the patient						X
Whether the patient died during this illness						X
Source or suspected source						X

* Local health departments are not required to submit this information if the notification came from a health care provider or health care facility. All other information indicated in Columns E and F is still required in these instances.

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WSR 22-17-090
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-175—Filed August 18, 2022, 12:40 p.m., effective September 10, 2022]

Effective Date of Rule: September 10, 2022.

Purpose: The purpose of this emergency rule is to open recreational sturgeon retention seasons for a portion of the Columbia River and the Cowlitz River.

Citation of Rules Affected by this Order: Amending WAC 220-312-060.

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 rule is needed to allow a limited harvest of white sturgeon in the Columbia River from the Wauna powerlines upstream to Bonneville Dam and the Cowlitz River. The legal-size population is large enough to allow for a retention fishery within the lower Columbia River. This action is consistent with decisions made by the states of Washington and Oregon during the Columbia River compact hearing on August 18, 2022. 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 18, 2022.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-06000X Freshwater exceptions to statewide rules—Columbia River. Effective September 10 through September 17, 2022 the provisions of WAC 220-312-060, WAC 220-312-030, and WAC 220-316-010 regarding white sturgeon retention seasons for the Columbia River from the Wauna powerline crossing to Bonneville Dam and for the Cowlitz River, are as follows. All other provisions of WAC 220-312-060, WAC

220-316-010, and WAC 220-312-030 not addressed herein remain in effect unless otherwise amended by emergency rule:

From Wauna powerlines upstream to Bonneville Dam, including the Cowlitz River:

(a) It is permissible to retain white sturgeon on Saturday, September 10, Wednesday September 14, and Saturday, September 17, 2022.

(i) The daily limit of white sturgeon is one fish.

(ii) Minimum fork length 44 inches. Maximum fork length 50 inches.

(b) Catch and release angling for sturgeon is permissible on days not open to sturgeon retention.

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WSR 22-17-096
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-174—Filed August 18, 2022, 4:14 p.m., effective August 18, 2022, 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 220-359-02000F; and amending WAC 220-359-020.

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

Other Authority: *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 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 opens the 2022 tribal fall commercial fisheries upstream of Bonneville Dam. This rule is consistent with actions of the Columbia River Compact on June 2, June 30, July 13, July 27, and August 18, 2022. 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 the tribal use and public access to the resource as well as the maintenance of sustainable fish populations. There is insufficient time to promulgate 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 18, 2022.

Kelly Susewind
Director

NEW SECTION

WAC 220-359-02000G Columbia River salmon seasons. Notwithstanding the provisions of WAC 220-359-010, WAC 220-359-020, WAC 220-359-030, and WAC 220-359-090, it is unlawful for a person to take or possess salmon, steelhead, sturgeon, shad, carp, catfish, walleye, bass, or yellow perch taken for commercial purposes in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, and 1H. However, those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, steelhead, sturgeon, shad, carp, catfish, walleye, bass, or yellow perch under the following provisions:

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

(a) Season: 6:00 AM August 22 through 6:00 PM August 25

6:00 AM August 29 through 6:00 PM September 2

6:00 AM September 5 through 6:00 PM September 10

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

(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 may be kept for subsistence purposes.

(d) Standard sanctuaries applicable to gillnet gear. The standard Spring Creek Hatchery Sanctuary is in place.

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

(a) Season: Immediately until further notice.

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

(c) Allowable sale: Salmon (any species) and steelhead, shad, yellow perch, bass, walleye, catfish, and carp may be sold or retained for subsistence. Fish landed during the open periods are allowed to be sold after the period concludes. 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 may be kept for subsistence purposes.

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

3) Open Areas: SMCRA 1E (Downstream of Bonneville Dam)

(a) Season: Immediately through 11:59 PM October 31, 2022, 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 the fisheries downstream of Bonneville Dam.

4) Open Areas: Wind River, Drano Lake, and Klickitat River

(a) Season: Immediately, until further notice, 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 in the Bonneville Pool may be kept for subsistence.

5) 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).

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

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-359-02000F Columbia River salmon seasons. (22-149)

WSR 22-17-098

EMERGENCY RULES

DEPARTMENT OF HEALTH

[Filed August 19, 2022, 7:11 a.m., effective August 19, 2022, 7:11 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: WAC 246-300-001 Licensed health care facilities and coronavirus disease 2019 (COVID-19). Extending the adoption of an emergency rule that establishes that all health care facilities licensed by the department of health must comply with state and federal statutes, administrative rules, lawful orders, and other legal requirements relating to the operation of the facility and the control or prevention of the spread of COVID-19, including orders issued by the governor, by the secretary of health, by a local board of health, and by a local health officer. This continues the emergency rule originally filed on December 23, 2021, as WSR 22-02-009 and extended on April 22, 2022, as WSR 22-10-007.

Citation of Rules Affected by this Order: WAC 246-300-001.

Statutory Authority for Adoption: RCW 43.70.040, 18.46.060, 70.41.030, 70.42.220, 70.127.120, 70.230.020, 70.230.090, 71.12.670, 71.24.037.

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: COVID-19 is an ongoing and present threat in Washington with continuing existence of COVID-19 cases and hospitalizations, primarily among unvaccinated populations, but also in breakthrough infections in some fully vaccinated individuals. Though some governor proclamations and associated health orders may change or lessen in scope over the course of the disease activity in Washington state, there continue to be requirements (such as vaccinations, use of personal protective equipment, and masking) for health care providers, and for patients and visitors to health care settings, including licensed health care facilities. Clarifying the applicability of state and federal statutes, administrative rules, lawful orders, and other legal requirements to licensed health care facilities will assist facilities to comply with these requirements and will assist the department in its efforts to ensure the health and safety of the workers, recipients of services, and visitors in those facilities.

The extension of this emergency rule and the clarity it brings to licensed health care facilities is necessary for the preservation of public health, safety, and general welfare. Observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to protecting immediate public interests.

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, Amended 0, Repealed 0.

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

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

Date Adopted: August 19, 2022.

Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

OTS-3389.3

Chapter 246-300 WAC
GENERAL PROVISIONS—FACILITIES

NEW SECTION

WAC 246-300-001 Licensed health care facilities and coronavirus disease 2019 (COVID-19). (1) This section applies to all health care facility types licensed by the department of health under chapters 18.46, 70.41, 70.42, 70.127, 70.230, 71.12, and 71.24 RCW.

(2) Every facility subject to this rule must comply with state and federal statutes, administrative rules, lawful orders, and other legal requirements relating to the operation of the facility and the control or prevention of the spread of coronavirus disease 2019 (COVID-19).

(3) Lawful orders include, but are not limited to, orders issued by the governor under chapter 43.06 RCW, by the secretary of health under chapter 43.70 RCW, or by a local board of health or local health officer under chapter 70.05, 70.08, or 70.24 RCW or chapter 246-100 WAC.

WSR 22-17-102
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-173—Filed August 19, 2022, 11:58 a.m., effective August 20, 2022]

Effective Date of Rule: August 20, 2022.

Purpose: The purpose of this emergency rule is to open commercial gillnet and purse seine 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 220-354-130.

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 Salmon Management and Catch Reporting Areas 7 and 7A. 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 19, 2022.

Kelly Susewind
Director

NEW SECTION

WAC 220-354-12000G Puget Sound salmon—Purse seine—Open periods.

Notwithstanding the provisions of WAC 220-354-120, effective the day of August 20, 2022, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

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

Areas	Open Periods
7 and 7A	Open 5 a.m. - 9 p.m., August 20, 2022

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

(b) Purse seine are required to brail and fishers must also use a recovery box in compliance with WAC 220-354-100 (7) (a) through (f).

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

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

[]

NEW SECTION

WAC 220-354-16000T Puget Sound salmon—Gillnet—Open periods.

Notwithstanding the provisions of WAC 220-354-160, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

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

Areas	Open Periods
7 and 7A	Open 8 a.m. - 11:59 p.m., August 20, 2022

(a) It is unlawful to retain rockfish.

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

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WSR 22-17-103
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-176—Filed August 19, 2022, 12:11 p.m., effective August 22, 2022]

Effective Date of Rule: August 22, 2022.

Purpose: Closes sea cucumber harvest in District 2-2.

Citation of Rules Affected by this Order: Repealing WAC 220-340-73000D; and amending WAC 220-340-730.

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 harvest of Sea Cucumber Management District 2-2 because the quota in this area is expected to be taken by August 21, 2022. This closure is needed to fulfill obligations of state and tribal comanager agreements. 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 19, 2022.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-73000E Commercial sea cucumber fishery Effective August 22, until further notice, or until this rule expires on December 17, 2022 pursuant to RCW 34.05.350, the following provisions of WAC 220-340-730 regarding Puget Sound commercial sea cucumber harvest and sales shall be described below. All other provisions of WAC 220-340-730 not addressed herein, and unless otherwise amended, remain in effect:

(1) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber Districts 1 and 2-1, Monday through Sunday of each week.

(2) The maximum cumulative landing of sea cucumbers for each weekly fishery opening period is 1,800 pounds per valid designated sea cucumber harvest license.

[]

REPEALER

The following section of the Washington Administrative Code is repealed effective August 22, 2022:

WAC 220-340-73000D Commercial sea cucumber fishery.
(22-169)

WSR 22-17-117
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-177—Filed August 22, 2022, 11:35 a.m., effective August 22, 2022, 11:35 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: (1) Closes all areas in Puget Sound to commercial harvest of spot shrimp one hour after sunset on August 23, 2022.

(2) Opens Subregion 1C to commercial nonspot shrimp pot harvest, effective immediately following a release of converted trawl quota to the pot fishery.

(3) Closes all areas in Puget Sound to commercial harvest of non-spot shrimp with pots on the agreed-to hard closure date of October 15, 2022.

(4) Allows spot shrimp commercial harvest from select subareas and subregions simultaneously in a single day.

(5) Allows nonspot shrimp commercial harvest from select subareas and subregions simultaneously in a single day.

Citation of Rules Affected by this Order: Repealing WAC 220-340-52000B; 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: Permanent rules regulating state commercial shrimp harvest in Puget Sound and the Strait of Juan de Fuca require adoption of harvest seasons contained in this emergency rule.

This emergency rule is necessary to prosecute state commercial shrimp pot and trawl fisheries in Puget Sound. This rule allows harvesters to both respond to dynamic changes in market conditions and promotes full utilization of both the commercial spot and nonspot shares. These rules are in congruence with comanager agreements. 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 22, 2022.

Kelly Susewind
Director

NEW SECTION**WAC 220-340-52000C Commercial shrimp pot fishery—Puget Sound.**

Notwithstanding the provisions of WAC 220-340-520, immediately, until further notice, or until they expire pursuant to RCW 34.05.350, it is unlawful to fish for shrimp for commercial purposes using pot gear in Puget Sound except as provided for in this section:

(1) In all areas fishers are limited to a maximum of 100 spot shrimp pots, as defined in WAC 220-340-520 (5)d, and a maximum of 100 non-spot shrimp pots, as defined in WAC 220-340-520 (5)e.

(2) Spot Shrimp Pot Harvest:

(a) Spot shrimp harvest is permitted as indicated in the following table opening one hour before official rise until further notice. Any closures take effect one hour after official sunset.

Geographical Management Unit (WAC 220-320-140)	Open period
Subregion 1A	Closed
Subregion 1B	Closed
Subregion 1C	Immediately, through August 23, 2022
Region 2E	Closed
Region 2W	Closed
Subarea 23A-E	Closed
Subarea 23A-W	Closed
Subarea 23A-C and MSFS Catch Area 23B	Closed
Subarea 23A-S and MSFS Catch Area 23D	Immediately, through August 23, 2022
MFSF Catch Area 23C	Immediately, through August 23, 2022
MFSF Catch Area 25A, excluding the Discovery Bay Shrimp District	Closed
Discovery Bay Shrimp District	Closed
MFSF 29 (Straits - Neah Bay)	Immediately, through August 23, 2022
Subarea 26B-1 and MFSF Catch Area 26C	Closed
Subarea 26B-2	Immediately, through August 23, 2022
Region 5	Immediately, through August 23, 2022
MFSF Catch Area 26D	Immediately, through August 23, 2022
MFSF Catch Areas 28A, 28B, 28C, and 28D	Closed

(b) The first spot shrimp catch accounting period started one hour before official sunrise on May 1, 2022, through one hour after official sunset on August 2, 2022.

(c) It is unlawful for the total harvest during the first spot shrimp accounting period to have exceeded 4,500 pounds of spot shrimp per license from all Puget Sound shrimp management regions combined.

(d) The second spot shrimp catch accounting period starts one hour before official sunrise on August 3, 2022, through one hour after official sunset on August 23, 2022.

(e) It is unlawful for the total harvest during the first and second spot shrimp accounting periods to exceed 5,350 pounds of spot shrimp per license from all Puget Sound shrimp management regions combined.

(f) It is unlawful to harvest spot shrimp from more than one Geographical Management Unit listed in 2(a) in a single day with the following exceptions:

(i) Spot shrimp may be harvested from subregion 1A and subregion 1C on the same day.

(ii) Spot shrimp may be harvested from subarea 23A-E, and either 23A-W, 23A-C or MFSF Catch Area 23B on the same day.

(3) Non-spot shrimp pot harvests:

(a) Non-spot shrimp pot harvest is permitted as indicated in the following table opening one hour before official rise until further notice. Any closures take effect one hour after official sunset.

Geographical Management Unit (WAC 220-320-140)	Open period
Subregion 1A	Closed
Subregion 1B	Closed
Subregion 1C	Immediately, through October 15, 2022
Region 2E	Immediately, through October 15, 2022
Region 2W	Immediately, through October 15, 2022
Region 3, not including Discovery Bay Shrimp District	Immediately, through October 15, 2022
Discovery Bay Shrimp District	Immediately, through October 15, 2022
Region 4	Closed
Region 5	Closed
Region 6	Closed

(b) The non-spot shrimp catch accounting period is weekly from one hour before official sunrise each Wednesday through one hour after official sunset on the subsequent Tuesday, totaling 7 days in length.

(c) It is unlawful for the combined total harvest of non-spot shrimp per license to exceed 700 pounds per non-spot shrimp catch accounting week from subregions 1A, 1B, 1C, and Region 2E combined.

(d) There is no weekly harvest limit of non-spot shrimp from Region 2W, Region 3, and Discovery Bay Shrimp District.

(e) Harvest of non-spot shrimp is not permitted deeper than 175 feet in subarea 23A East or subregion 1A.

(f) It is unlawful to harvest non-spot shrimp in more than one Geographical Management unit listed in subsection 3(a) in a single day with the following exceptions:

(i) Non-spot shrimp may be harvested from more than one subregion of Region 1 on the same day.

(ii) Non-spot shrimp may be harvested from Discovery Bay Shrimp District and Region 3 on the same day.

[]

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-340-52000B Commercial shrimp pot fishery—Puget Sound. (22-165)

WSR 22-17-119
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-178—Filed August 22, 2022, 3:53 p.m., effective August 23, 2022]

Effective Date of Rule: August 23, 2022.

Purpose: The purpose of this emergency rule is to close Chinook retention in Catch Record Card Area 1 and to reopen salmon fishing in the area within approximately three miles of the Washington shore.

Citation of Rules Affected by this Order: Repealing WAC 220-313-07500M; 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 needed to extend salmon season length in Catch Record Card Area 1. Area 1 catch is approaching the Chinook quota for the season, and a portion of that quota must be reserved to account for release mortalities if the area is to remain open for coho fishing. The coho quota for the area is 84,000, which will allow for significant angling opportunity during the remainder of the salmon season. There is insufficient time to adopt permanent rules.

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 22, 2022.

Kelly Susewind
Director

NEW SECTION

WAC 220-313-07500N Pacific Ocean salmon—Seasons—Closed areas.
Effective August 23, through October 8, 2022 the provisions of WAC

220-313-075 regarding recreational salmon seasons for Marine Areas 1 through 4 shall be as described below. All other provisions of WAC 220-313-075 not addressed herein remain in effect unless otherwise amended:

(1) **Catch Record Card Area 1:** Open immediately, through September 30, 2022:

- (a) Daily limit of 2 salmon.
- (b) Release Chinook and wild coho.
- (c) Coho minimum length 16 inches.

(2) **Catch Record Card Area 2:** Open immediately, through September 30, 2022:

- (a) Daily limit of 2 salmon.
- (b) Release Chinook and wild coho.
- (c) Coho minimum length 16 inches.

(d) Possession of Chinook onboard a vessel, including in transit, is unlawful.

(3) **Catch Record Card Area 3:**

(a) Open immediately, through September 30, 2022:

- (i) Daily limit of 2 salmon; no more than one may be a Chinook
- (ii) Release wild coho.
- (iii) Release chum beginning August 1.
- (iv) Chinook minimum length 24 inches.
- (v) Coho minimum length 16 inches.

(b) Open October 5 through October 8, 2022 only in the area north of 47°50'00N. lat. and south of 48°00'00"N. lat.:

- (i) Daily limit 2 Chinook salmon only.
- (ii) Release all salmon except Chinook.
- (iii) Chinook minimum length 24 inches.

(4) **Catch Record Card Area 4:** Open immediately, through September 30, 2022:

- (a) Daily limit of 2 salmon; no more than one may be a Chinook
- (b) Release chum and wild coho.
- (c) Chinook minimum length 24 inches.
- (d) Coho minimum length 16 inches.

(e) Chinook retention prohibited in waters east of the Bonilla-Tatoosh line.

[]

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 23, 2022:

WAC 220-313-07500M Pacific Ocean salmon—Seasons—Closed areas. (22-171)