

WSR 23-15-003
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-105—Filed July 5, 2023, 12:41 p.m., effective July 7, 2023]

Effective Date of Rule: July 7, 2023.

Purpose: Additional regulations are needed to prevent wildfires on department lands during the current period of high fire danger. The new rules will help reduce the threat of wildfires on department lands and provide protection of human health, safety, and wildlife habitat.

Citation of Rules Affected by this Order: Amending WAC 220-500-030, 220-500-040, 220-500-110, and 220-500-140.

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

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

Reasons for this Finding: An emergency rule is necessary to protect department lands from imminent risk of wildfire damage during a high fire danger period, which is occurring currently, before permanent rules can be adopted. These additional prohibitions are needed immediately to protect humans, wildlife, and property.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 5, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-500-03000E Behavior and conduct. (1) Notwithstanding the provisions of WAC 220-500-030, effective July 7, 2023, until further notice, in wildlife areas and access areas in eastern Washington owned or controlled by the department, it is unlawful to:

(a) Operate a chainsaw without a permit or approval from the director; or

(b) Weld or operate an acetylene torch or other open flame without a permit or approval from the director.

(2) Other provisions of WAC 220-500-030 not addressed herein remain in effect unless otherwise amended by emergency rule.

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

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NEW SECTION

WAC 220-500-04000M Regulating public access. (1) Notwithstanding the provisions of WAC 220-500-040, effective July 7, 2023, until further notice, it is unlawful to operate a motor vehicle off developed roadways in wildlife areas and access areas owned or controlled by the department in eastern Washington. However, it is permissible to park in an area devoid of vegetation within 10 feet of the roadway, and to park overnight in developed campgrounds and at trailheads.

(2) Other provisions of WAC 220-500-040 not addressed herein remain in effect unless otherwise amended by emergency rule.

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

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NEW SECTION

WAC 220-500-11000E Fires and campfires. (1) Notwithstanding the provisions of WAC 220-500-110, effective July 7, 2023, until further notice, it is unlawful to build, start, or maintain fires or campfires in wildlife areas and access areas owned or controlled by the department in eastern Washington without a permit or approval from the director. However, it is permissible to use personal camp stoves or lanterns fueled by liquid petroleum, liquid petroleum gas, or propane.

(2) Effective July 7, 2023, until further notice, it is unlawful to smoke in wildlife areas and access areas owned or controlled by the department in eastern Washington, except in an enclosed vehicle.

(3) Other provisions of WAC 220-500-110 not addressed herein remain in effect unless otherwise amended by emergency rule.

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

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NEW SECTION

WAC 220-500-14000E Firearms and target practicing. (1) Notwithstanding the provisions of WAC 220-500-140, effective July 7, 2023, it is unlawful to discharge firearms on department owned or controlled lands in eastern Washington except at the following department shoot-

ing ranges through August 15 between sunrise and 10:00 a.m. unless otherwise posted:

(a) Methow Shooting Range on the Methow Wildlife Area Unit

(b) Asotin Creek Shooting Range on the Asotin Creek Wildlife Area Unit

(2) It is unlawful to discharge firearms on department owned or controlled lands in eastern Washington from August 16 through September 15 unless otherwise posted.

(3) The provisions of Sections (1) and (2) of this emergency rule do not apply if engaged in lawful hunting. Other provisions of WAC 220-500-140 not addressed herein remain in effect unless otherwise amended by emergency rule.

(4) Unless otherwise provided, violation of any of the provisions of this section constitutes an infraction, pursuant to RCW 77.15.020 and 77.15.160.

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

WSR 23-15-004
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-114—Filed July 5, 2023, 4:53 p.m., effective July 6, 2023]

Effective Date of Rule: July 6, 2023.

Purpose: The purpose of this emergency rule is to return a portion of the Klickitat River to permanent rules.

Citation of Rules Affected by this Order: Repealing WAC 220-312-03000D; and amending WAC 220-312-030.

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

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

Reasons for this Finding: This emergency rule is necessary to return lower Klickitat River salmon rules to permanent rules.

The Klickitat River salmon season was closed earlier this year due to low returns of spring Chinook to the Klickitat Salmon Hatchery. Fishery comanagers have indicated most of the spring Chinook return has passed above Lyle Falls into the upper river, making continued closure of the hatchery Chinook fishery in the lower river unnecessary.

This rule also carries forward emergency rules previously filed in WSR 23-14-083 (Order 23-112), on June 29, 2023, for Klickitat and Lewis rivers.

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: July 6, 2023.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

WAC 220-312-03000E Freshwater exceptions to statewide rules—Southwest. Effective immediately, through July 31, 2023, the provisions of WAC 220-312-030 regarding Klickitat River and Lewis River

salmon seasons shall be modified during times and as described below. All other provisions of WAC 220-312-030 not addressed herein remain in effect unless otherwise amended by emergency rule:

(1) Klickitat River (Klickitat Co.): From 400 feet upstream from #5 fishway to boundary markers below Klickitat Salmon hatchery: Effective immediately, until further notice:

Salmon: Closed.

(2) Lewis River (Clark/Cowlitz Co.): From the mouth to Colvin Creek:

Salmon: Daily limit 6 including no more than 1 adult. Release all salmon other than hatchery Chinook.

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REPEALER

The following section of the Washington Administrative Code is repealed, effective July 6, 2023:

WAC 220-312-03000D Freshwater exceptions to statewide rules—Southwest. (23-112)

WSR 23-15-010
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-115—Filed July 6, 2023, 2:57 p.m., effective July 6, 2023, 2:57 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule is to raise sockeye limits in the Hanford Reach area of the Columbia River.

Citation of Rules Affected by this Order: Repealing WAC 220-312-06000R; and 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 emergency rule is necessary to raise sockeye limits in the Hanford Reach area of the Columbia River.

The *U.S. v. Oregon* technical advisory committee updated the sockeye salmon run from 234,500 preseason to approximately 331,000. At this updated run size, there are additional Sockeye available for harvest in the Columbia River upstream of the Snake River.

This emergency rule also maintains lower Columbia River salmon and steelhead rules, previously filed in WSR 23-14-074 (Order 23-107), filed June 29, 2023.

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: July 6, 2023.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

WAC 220-312-06000S Freshwater exceptions to statewide rules—Columbia River. Effective immediately, through August 15, 2023, the provisions of WAC 220-312-060 regarding recreational salmon and steelhead seasons from the Megler-Astoria Bridge to Priest Rapids Dam, shall be modified as described below, except in areas closed to fish-

ing for salmon and steelhead year-round in WAC 220-312-060. All other provisions of WAC 220-312-060 not addressed herein remain in effect unless otherwise amended by emergency rule:

(1) From the Megler-Astoria Bridge upstream to The Dalles Dam:

Salmon and steelhead:

Effective immediately, through July 31, 2023: Daily limit 6, no more than 2 adults may be retained of which up to 1 may be a hatchery steelhead. Release all salmon and steelhead other than hatchery jack Chinook, sockeye and hatchery steelhead.

(2) From The Dalles Dam upstream to a line starting from a fishing boundary sign on the Washington north shore located approximately 1300' upstream of The Dalles Dam and Lock boat ramp projected easterly across the Columbia River to a boundary sign on the Washington southern shore located approximately 200' above the fish ladder exit: Salmon and steelhead:

Effective immediately, until further notice: Closed to fishing for and retention of salmon and steelhead.

(3) From a line starting from a fishing boundary sign on the Washington north shore located approximately 1300' upstream of The Dalles Dam and Lock boat ramp projected easterly across the Columbia River to a boundary sign on the Washington south shore located approximately 200' above the fish ladder exit upstream to Hwy. 395 Bridge at Pasco: Salmon and steelhead:

Effective immediately, through July 31, 2023: Daily limit 6, no more than 2 adults may be retained of which up to 1 may be a hatchery steelhead. Release all salmon and steelhead other than hatchery jack Chinook, sockeye and hatchery steelhead.

(4) From Columbia Point (approximately 1/3 mile downstream of I-182 Bridge) upstream to I-182 Bridge: Salmon:

(a) Effective immediately through July 15, 2023: Closed to angling from a floating device or by any method except hand-cast lines from the west shore (Richland side of the river).

(b) Effective immediately, through July 15, 2023: Daily limit 6, no more than 4 sockeye may be retained. Release all salmon other than jack Chinook and sockeye.

(5) From I-182 Bridge upstream to Priest Rapids Dam: Salmon:

Effective immediately, through August 15, 2023: Daily limit 6, no more than 4 sockeye may be retained. Release all salmon and steelhead other than jack Chinook and sockeye.

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REPEALER

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

WAC 220-312-06000R Freshwater exceptions to statewide rules—Columbia River. (23-107)

WSR 23-15-011
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-116—Filed July 6, 2023, 3:01 p.m., effective July 8, 2023]

Effective Date of Rule: July 8, 2023.

Purpose: The purpose of this emergency rule is to raise Chinook limits in Catch Record Card Areas 3 and 4.

Citation of Rules Affected by this Order: Repealing WAC 220-313-07500Q; 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: The purpose of this rule is to modify ocean recreational salmon seasons in Marine Areas 3 and 4 to allow daily retention of up to two Chinook salmon. Based on catch to date and projected catch later in the season, sufficient quota remains to allow daily retention of two Chinook per angler without requiring early closure of the fishery in these areas.

This rule maintains previously established recreational seasons in Areas 1 and 2.

These rules for in-state waters are consistent with federal salmon fishing regulations adopted by the National Marine Fisheries Service in response to actions taken by the Pacific Fishery Management Council to set salmon fishery harvest specifications and management measures; this action is intended to achieve regulatory consistency in federal and state waters for the ocean recreational salmon fishery, which operates in both areas.

There is insufficient time for the Washington state department of fish and wildlife to adopt consistent regulations through the permanent rule-making process.

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: July 6, 2023.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION**WAC 220-313-07500R Pacific Ocean salmon—Seasons—Closed areas.**

Effective July 8, through October 7, 2023, 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 July 8, through September 30, 2023:
- (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.
- (2) **Catch Record Card Area 2:** Open July 8, through September 30, 2023:
- (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) July 8, through September 30, 2023, the Grays Harbor Control Zone is open. See WAC 220-306-040.
- (3) **Catch Record Card Area 3:**
- (a) Open July 8, through July 31, 2023:
 - (i) Daily limit of 2 salmon.
 - (ii) Release wild coho.
 - (iii) Chinook minimum length 24 inches.
 - (iv) Coho minimum length 16 inches.
 - (b) Open July 8, through September 30, 2023:
 - (i) Daily limit of 2 salmon.
 - (ii) Release wild coho and chum.
 - (iii) Chinook minimum length 24 inches.
 - (iv) Coho minimum length 16 inches.
 - (c) Open October 3, through October 7, 2023, only in the area north of 47°50'00"N. lat. and south of 48°00'00"N. lat.:
 - (i) Daily limit 1 Chinook salmon only.
 - (ii) Release all salmon except Chinook.
 - (iii) Chinook minimum length 24 inches.
- (4) **Catch Record Card Area 4:**
- (a) Open July 8, through July 31, 2023:
 - (i) Daily limit of 2 salmon.
 - (ii) Release wild coho.
 - (iii) Chinook minimum length 24 inches.
 - (iv) Coho minimum length 16 inches.
 - (v) Waters east of a true north-south line through Sail Rock are closed.
 - (b) Open August 1, through September 30, 2023:
 - (i) Daily limit of 2 salmon.
 - (ii) Release wild coho and chum.
 - (iii) Release Chinook in waters east of the Bonilla-Tatoosh line.
 - (iv) Chinook minimum length 24 inches.
 - (v) Coho minimum length 16 inches.

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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 Washington Administrative Code is repealed, effective July 8, 2023:

WAC 220-313-07500Q Pacific Ocean salmon—Seasons—Closed areas. (23-91)

Reviser's note: The section above appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 220-313-07500Q is probably intended to be WAC 220-313-07500G.

WSR 23-15-013
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-117—Filed July 6, 2023, 5:17 p.m., effective July 6, 2023, 5:17 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 220-359-02000R; 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 closes commercial salmon and steelhead sales for the Columbia River treaty summer season fisheries while still allowing commercial sales of nonsalmonid species. Salmon and steelhead remain open for subsistence purposes. This rule is consistent with actions of the Columbia River Compact on June 7, June 28, and July 6, 2023. 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 of 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 the 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 *United States 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: July 6, 2023.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

WAC 220-359-02000S Columbia River salmon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-359-010, WAC 220-359-020, WAC 220-359-030, and WAC 220-359-090, 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: Immediately through 11:59 PM July 31, 2023.

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

(c) Allowable sale: Salmon (any species) and steelhead caught after 6:00 PM on July 8 may not be sold, but remains open for subsistence. Shad, yellow perch, bass, walleye, catfish and carp may be sold after the period concludes or retained for subsistence. Sturgeon may not be sold, but sturgeon from 38 to 54 inches fork length in the Bonneville Pool and sturgeon from 43 to 54 inches fork length in The Dalles and John Day Pools and may be kept for subsistence purposes.

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

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

(a) Season: Immediately through 11:59 PM July 31, 2023. Only during days and times opened under tribal rule.

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

(c) Allowable sale: Salmon (any species) and steelhead caught after 6:00 PM on July 8 may not be sold, but remains open for subsistence. Shad, yellow perch, bass, walleye, catfish and carp may be sold after the period concludes or retained for subsistence. Sturgeon may not be retained in fisheries downstream of Bonneville Dam. Sales of fish are not authorized on COE property downstream of Bonneville Dam. Fish must be transported elsewhere for sale. Fish landed during the open periods are allowed to be sold after the period concludes.

(3) 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) and steelhead caught after 6:00 PM on July 8 may not be sold, but remains open for subsistence. Shad, yellow perch, bass, walleye, catfish and carp may be sold after the period concludes or retained for subsistence. Sturgeon from 38 to 54 inches fork length in the Bonneville Pool may be kept for subsistence.

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

(a) Season: Immediately through 6:00 PM July 6, 2023

(b) Gear: Set and Drift Gill nets with a minimum 7-inch mesh size restriction.

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

(d) Standard river mouth and dam closed areas applicable to gill-net gear, except the Spring Creek Hatchery sanctuary is not in effect during the summer management period.

(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 220-359-02000R Columbia River salmon seasons above
Bonneville Dam. (23-108)

WSR 23-15-014
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-118—Filed July 6, 2023, 5:18 p.m., effective July 8, 2023]

Effective Date of Rule: July 8, 2023.

Purpose: The purpose of this emergency rule is to open recreational sockeye seasons in Baker Lake.

Citation of Rules Affected by this Order: Amending WAC 220-312-040.

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

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

Reasons for this Finding: This emergency rule is needed to open seasons for sockeye salmon in Baker Lake.

A record number of sockeye have been trucked [tracked to] Baker Lake for this early in July. Due to the unprecedented number of early returning fish, the lake will open earlier than scheduled to maximize opportunity.

There is insufficient time to adopt permanent rules.

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

Number of Sections Adopted at 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: July 6, 2023.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

WAC 220-312-04000K Freshwater exceptions to statewide rules—Puget Sound. Effective July 8 through August 31, 2023, the following provisions of WAC 220-312-040, regarding recreational salmon seasons for Baker Lake, shall be as described below. All other provisions of WAC 220-312-040 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

Baker Lake (Whatcom Co.): Salmon:

- (a) Daily limit 3 sockeye only. Minimum size 18 inches.

(b) Each angler aboard a vessel may deploy salmon angling gear until the daily salmon limit for all anglers aboard has been achieved.

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WSR 23-15-017

EMERGENCY RULES

DEPARTMENT OF HEALTH

(Pharmacy Quality Assurance Commission)

[Filed July 7, 2023, 12:07 p.m., effective July 7, 2023, 12:07 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Medication assistance in community-based and in-home care settings. As provided in RCW 69.41.010(15), the pharmacy quality assurance commission (commission) and department of health (department) are filing jointly to reinstate medication assistance rules as permitted under chapter 69.41 RCW by adopting new rules in WAC 246-945-710, 246-945-712, 246-945-714, 246-945-716, 246-945-718, 246-945-720, 246-945-722, 246-945-724, 246-945-726, and 246-945-728. This adopted emergency rule will extend WSR 23-07-056 filed on March 9, 2023 without change.

This rule establishes criteria for medication assistance in community-based and in-home care settings in accordance with chapter 69.41 RCW. The definition for medication assistance provided in RCW 69.41.010(15) states: "Medication assistance" means assistance rendered by a nonpractitioner to an individual residing in a community-based care setting or in-home care setting to facilitate the individual's self-administration of a legend drug or controlled substance. It includes reminding or coaching the individual, handing the medication container to the individual, opening the individual's medication container, using an enabler, or placing the medication in the individual's hand, and such other means of medication assistance as defined by rule adopted by the department.

These emergency rules provide further definitions for terms used within this definition such as "enabler" and establish those "other means of medication assistance as defined by rule adopted by the department." These rules help impacted individuals retain their independence and live in the least restrictive setting, such as their own home, longer by providing means and guidance for medication assistance.

Citation of Rules Affected by this Order: New WAC 246-945-710, 246-945-712, 246-945-714, 246-945-716, 246-945-718, 246-945-720, 246-945-722, 246-945-724, 246-945-726, and 246-945-728.

Statutory Authority for Adoption: RCW 18.64.005, 69.41.010(15), 69.41.075.

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 commission's new chapter 246-945 WAC became effective in July 2020. The old rules, including the former rules on medication assistance (chapter 246-888 WAC), were repealed in March 2021. The commission's repeal of chapter 246-888 WAC has resulted in unintended disruptions for medication assistance in the community-based and in-home care settings permitted under chapter 69.41 RCW. Emergency rule making is necessary to immediately restore medication assistance regulations to preserve patient safety and welfare while the commission and the department work on permanent rule making. The CR-101 was filed on December 27, 2021, under WSR 22-02-015. Permanent rule making was originally delayed due to the novel coronavirus COV-

ID-19 pandemic but is still in progress. Commission staff and the department of social and health services (DSHS) met for preliminary discussions regarding draft language. Drafts of the amended rule language were written by commission staff and shared with DSHS personnel for interagency review. The commission will distribute draft language to the public leading up to the planned workshops in early fall of 2023.

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 10, 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 10, Amended 0, Repealed 0.

Date Adopted: July 6, 2023.

Kenneth Kenyon, PharmD, MBA
Pharmacy Quality Assurance Commission Chair
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

OTS-2998.2

PART 5 - MEDICATION ASSISTANCE

NEW SECTION

WAC 246-945-710 Scope and applicability. (1) This section through WAC 246-945-728 only apply to medication assistance provided in community-based care settings and in-home care settings.

(2) The following definitions apply to this section through WAC 246-945-728 unless the context requires otherwise:

(a) "Medication" means legend drugs and controlled substances;

and

(b) "Practitioner" has the same meaning as in RCW 69.41.010(17).

[]

NEW SECTION

WAC 246-945-712 Self-administration with assistance, independent self-administration, and medication administration. (1) Self-administration with assistance means assistance with legend drugs and controlled substances rendered by a nonpractitioner to an individual residing in a community-based care setting or an in-home care setting. It includes reminding or coaching the individual to take their medication, handing the medication container to the individual, opening the medication container, using an enabler, or placing the medication in the hand of the individual/resident. The individual/resident must be able to put the medication into their mouth or apply or instill the medication. The individual/resident does not necessarily need to state the name of the medication, intended effects, side effects, or other details, but must be aware that they are receiving medication. Assistance may be provided by a nonpractitioner with prefilled insulin syringes. Assistance is limited to handing the prefilled insulin syringe to an individual/resident. Assistance with the administration of any other intravenous or injectable medication is specifically excluded. The individual/resident retains the right to refuse medication. Self-administration with assistance shall occur immediately prior to the ingestion or application of a medication.

(2) Independent self-administration occurs when an individual/resident is independently able to directly apply a legend drug or controlled substance by ingestion, inhalation, injection or other means. In licensed assisted living facilities, self-administration may include situations in which an individual cannot physically self-administer medications but can accurately direct others. These regulations do not limit the rights of people with functional disabilities to self-direct care according to chapter 74.39 RCW.

(3) If an individual/resident is not able to physically ingest or apply a medication independently or with assistance, then the medication must be administered to the individual/resident by a person legally authorized to do so (e.g., physician, nurse, pharmacist). All laws and regulations applicable to medication administration apply. If an individual/resident cannot safely self-administer medication or self-administer with assistance or cannot indicate an awareness that they are taking a medication, then the medication must be administered to the individual/resident by a person legally authorized to do so.

[]

NEW SECTION

WAC 246-945-714 Self-administration with assistance in a community-based care setting or an in-home setting. (1) An individual/resident, or their representative, in a community-based care setting or an in-home setting may request self-administration with assistance.

(2) No additional separate assessment or documentation of the needs of the individual/resident are required in order to initiate self-administration with assistance. It is recommended that providers document their decision-making process in the health record of the individual or resident health record.

(3) A nonpractitioner may help in the preparation of legend drugs and controlled substances for self-administration where a practitioner

has determined and communicated orally or by written direction that such medication preparation assistance is necessary and appropriate.

[]

NEW SECTION

WAC 246-945-716 Enabler. (1) Enablers are physical devices used to facilitate an individual's/resident's self-administration of a medication. Physical devices include, but are not limited to, a medicine cup, glass, cup, spoon, bowl, prefilled syringes, syringes used to measure liquids, specially adapted table surface, straw, piece of cloth, or fabric.

(2) An individual's hand may also be an enabler. The practice of "hand-over-hand" administration is not allowed. Medication administration with assistance includes steadying or guiding an individual's hand while he or she applies or instills medications such as ointments, eye, ear, and nasal preparations.

[]

NEW SECTION

WAC 246-945-718 Alteration of medication for self-administration with assistance. Alteration of a medication for self-administration with assistance includes, but is not limited to, crushing tablets, cutting tablets in half, opening capsules, mixing powdered medications with foods or liquids, or mixing tablets or capsules with foods or liquids. Individuals/residents must be aware that the medication is being altered or added to their food.

[]

NEW SECTION

WAC 246-945-720 Medication alteration. A practitioner practicing within their scope of practice must determine that it is safe to alter a legend drug or controlled substance. If the medication is altered, and a practitioner has determined that such medication alteration is necessary and appropriate, the determination shall be communicated orally or by written direction. Documentation of the appropriateness of the alteration must be on the prescription container, or in the individual's/resident's record.

[]

NEW SECTION**WAC 246-945-722 Types of assistance provided by nonpractitioner.**

A nonpractitioner can transfer a medication from one container to another for the purpose of an individual dose. Examples include: Pouring a liquid medication from the medication container to a calibrated spoon or medication cup.

[]

NEW SECTION**WAC 246-945-724 Oxygen order/prescription requirements.**

Under state law, oxygen is not a medication and is not covered under this rule. While oxygen is not considered a medication under state law, oxygen does require an order/prescription from a practitioner.

[]

NEW SECTION

WAC 246-945-726 Self-administration with assistance of medication through a gastrostomy or "g-tube." If a prescription is written as an oral medication via "g-tube," and if a practitioner has determined that the medication can be altered, if necessary, for use via "g-tube," the rules as outlined for self-administration with assistance would also apply.

[]

NEW SECTION

WAC 246-945-728 Other medication assistance requirements. A practitioner, nonpractitioner, and an individual/resident or their representative should be familiar with the rules specifically regulating the residential setting. The department of social and health services has adopted rules relating to medication services in assisted living facilities and adult family homes.

[]

WSR 23-15-021
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-119—Filed July 7, 2023, 2:23 p.m., effective July 7, 2023, 2:23 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This emergency rule for WAC 220-340-52000G:

(1) Clarifies the pot limit for shrimp pot fisheries is specific to each gear type and allows a separate maximum 100 pot limit for spot shrimp pots and nonspot shrimp pots respectively.

(2) Defines the first spot shrimp catch accounting period as being from May 8 to August 1, 2023, and allows 5,000 pounds of spot shrimp to be harvested per license for the first catch accounting period.

(3) Opens Regions 5 and 2W to commercial spot shrimp harvest on July 10, 2023.

(4) Defines the nonspot species complex.

(5) Closes Subregions 1B and 1C to nonspot shrimp harvest on July 11, 2023, due to quota attainment.

(6) Opens nonspot shrimp quota areas; defines the nonspot shrimp catch accounting periods; sets per license catch limit of 1,500 lbs for catch period number 1 and 1,200 pounds for each subsequent catch period in Subregions 1A, 1B, and 1C and Region 2E; clarifies there is no weekly harvest limit in Regions 3 or 2W; and sets a 175-foot depth limit in Subregion 1A and Marine Fish-Shellfish Catch Area 23A.

(7) Modifies harvest restrictions for spot and nonspot shrimp fisheries.

Citation of Rules Affected by this Order: Repealing WAC 220-340-52000G; 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: July 7, 2023.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

WAC 220-340-52000H 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; WAC 220-320-120)	Open Period
Subregion 1A	Open until further notice
Subregion 1B	Closed
Subregion 1C	Closed
Region 2E	Closed
Region 2W	Open July 10, 2023, until further notice.
Subarea 23A-E	Open until further notice
Subarea 23A-W	Open until further notice
Subarea 23A-C and MSFS Catch Area 23B	Open until further notice
Subarea 23A-S and MSFS Catch Area 23D	Open until further notice
MFSF Catch Area 23C	Open until further notice
MFSF Catch Area 25A, excluding the Discovery Bay Shrimp District	Open until further notice
Discovery Bay Shrimp District	Closed
MFSF 29 (Straits - Neah Bay)	Open until further notice
Subarea 26B-1 and MFSF Catch Area 26C	Closed
Subarea 26B-2	Closed
Region 5	Open July 10, 2023, until further notice.
MFSF Catch Area 26D	Closed
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 8, 2023, through one hour after official sunset on August 1, 2023.

(c) It is unlawful for the total harvest during the first spot shrimp accounting period to have exceeded 5,000 pounds of spot shrimp per license from all Puget Sound shrimp management regions combined.

(d) 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.

(e) It is lawful to have deactivated non-spot shrimp pots on-board of a commercial vessel that is listed on a Puget Sound shrimp pot license while fishing for spot shrimp.

A deactivated pot is un-baited, has the draw string or door fastened open, and/or is unable to be readily fished.

(3) Non-spot shrimp pot harvests:

(a) The non-spot shrimp species complex is defined as the following species of pandalid shrimp classified in WAC 220-320-010: Dock shrimp (*Pandalus danae*), Coonstripe shrimp (*Pandalus hypsinotus*), Humpy shrimp (*Pandalus goniurus*), Ocean pink shrimp (*Pandalis jordani*), pink shrimp (*Pandalus eous*), Side stripe shrimp (*Pandalus dispar*).

(b) 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; WAC 220-320-120)	Open Period
Subregion 1A	Open until further notice
Subregion 1B	Open until July 11, 2023
Subregion 1C	Open until July 11, 2023
Region 2E	Open until further notice
Region 2W	Open until further notice
Region 3, not including Discovery Bay Shrimp District	Open until further notice
Discovery Bay Shrimp District	Open until further notice
Region 4	Closed
Region 5	Closed
Region 6	Closed

(c) The non-spot shrimp catch accounting periods begin one hour before official sunrise and end one hour after official sunset on the date listed in the following table:

Period Number	Start Date	End Date
1	5/1/2023	5/16/2023
2	5/17/2023	5/30/2023
3	5/31/2023	6/13/2023
4	6/14/2023	6/27/2023
5	6/28/2023	7/11/2023
6	7/12/2023	7/25/2023
7	7/26/2023	8/8/2023
8	8/9/2023	8/22/2023
9	8/23/2023	9/5/2023
10	9/6/2023	9/19/2023
11	9/20/2023	10/3/2023

Period Number	Start Date	End Date
12	10/4/2023	10/15/2023

(d) It is unlawful for the total harvest of non-spot shrimp per license to exceed 1,500 pounds during non-spot shrimp catch accounting period number 1 from subregions 1A, 1B, 1C, and Region 2E combined.

(e) It is unlawful for total harvest of non-spot shrimp to exceed 1,200 pounds per non-spot shrimp catch accounting period from subregions 1A, 1B, 1C, and Region 2E combined during catch accounting periods 2 through 12.

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

(g) Harvest of non-spot shrimp is not permitted deeper than 175 feet in Catch Area 23A and all of its subareas (23AE, 23AW, 23AC, 23AS).

(h) Harvest of non-spot shrimp is not permitted deeper than 175 feet in subregion 1A.

(i) 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.

(j) It is lawful to have deactivated spot shrimp pots on-board of a commercial vessel that is listed on a Puget Sound shrimp pot license while fishing for non-spot shrimp.

A deactivated pot is un-baited, has the draw string or door fastened open, and/or is unable to be readily fished.

[]

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 Washington Administrative Code is repealed, effective immediately:

WAC 220-340-52000G Commercial shrimp pot fishery—Puget Sound. (Order 23-82)

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 23-15-032
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-120—Filed July 10, 2023, 3:08 p.m., effective July 11, 2023]

Effective Date of Rule: July 11, 2023.

Purpose: The purpose of this emergency rule is to close a portion of the Skagit River to all recreational fishing to avoid gear conflicts with tribal fishers.

Citation of Rules Affected by this Order: Repealing WAC 220-312-04000J; and amending WAC 220-312-040.

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

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

Reasons for this Finding: This rule is necessary to temporarily close a portion of the Skagit River to avoid gear conflicts with treaty fisheries. This rule also opens a portion of the Skagit River to fishing that was previously scheduled to close, as a gear conflict will not be present.

This rule also maintains previously scheduled salmon seasons for Cascade and Skagit rivers.

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: July 10, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-04000L Freshwater exceptions to statewide rules—Puget Sound. Effective July 11, through July 15, 2023, the following provisions of WAC 220-312-040 and regarding fishing seasons for portions of the Skagit River and Cascade River, shall be modified as described below. All other provisions of WAC 220-312-040 not addressed herein, or unless otherwise amended, remain in effect:

- (1) **Cascade River (Skagit Co.):** From mouth to Rockport-Cascade Rd. Bridge: Salmon:
- (a) Daily limit 4 including no more than 2 adults. Release all salmon other than hatchery Chinook.
 - (b) Night Closure in effect.
 - (c) Anti-snagging rule in effect.
- (2) **Skagit River (Skagit Co.):**
- (a) From Hwy. 536 Bridge (Memorial Hwy. Bridge) in Mt. Vernon to the Hwy. 9 Bridge in Sedro Woolley: Salmon:
 - (i) Daily limit 3 sockeye. Release all salmon other than sockeye.
 - (ii) Night closure in effect.
 - (iii) Selective gear rules are not in effect for salmon.
 - (b) From the Hwy 9 Bridge in Sedro Woolley to the Dalles Bridge at Concrete:
 - (i) All species: July 12 through July 13, 2023: Closed Waters.
 - (ii) Salmon:
 - (A) Daily limit 3 sockeye. Release all salmon other than sockeye.
 - (B) Night closure in effect.
 - (C) Selective gear rules are not in effect for salmon.
 - (D) Closed July 12 through July 13, 2023.
 - (c) From the Dalles Bridge at Concrete to the Baker River: All species: July 12 through July 13, 2023: Closed Waters.
 - (d) From the Hwy. 530 Bridge at Rockport to Cascade River Rd. (Marblemount Bridge): Salmon:
 - (i) Daily limit 4 including no more than 2 adults. Release all salmon other than hatchery Chinook.
 - (ii) Night Closure in effect.
 - (iii) Anti-snagging rule in effect.

[]

REPEALER

The following section of Washington Administrative Code is repealed, effective July 11, 2023:

WAC 220-312-04000J Freshwater exceptions to statewide rules—Puget Sound. (23-111)

WSR 23-15-034
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-122—Filed July 11, 2023, 9:06 a.m., effective July 11, 2023, 9:06 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule is to set salmon seasons in Catch Record Card Area 12 as agreed [to] during the North of Falcon season setting process.

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

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

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

Reasons for this Finding: This emergency rule is necessary to set salmon seasons in Catch Record Card Area 12 as agreed [to] during the 2023 North of Falcon season setting process. These rules are temporary until permanent rules, filed in WSR 23-13-072, take effect on July 16, 2023.

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: July 11, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-313-06000W Puget Sound salmon—Saltwater seasons and daily limits. Effective immediately through July 15, 2023, the following provisions of WAC 220-313-060 regarding salmon seasons for Catch Record Card Area 12 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:

(1) **Catch Record Card Area 12, waters north of a line drawn due east from Ayock Point:** Salmon:

- (a) Daily limit 4. Release Chinook and chum.
- (b) Bait prohibited.

(c) Only 1 single-point barbless hook is allowed.

(2) **Catch Record Card Area 12, waters south of a line drawn due east from Ayock Point, including the Hoodspout hatchery zone:** Salmon:

(a) Daily limit 4. Release wild Chinook and chum.

(b) Chinook minimum size 20".

[]

WSR 23-15-039
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-123—Filed July 11, 2023, 2:10 p.m., effective July 13, 2023]

Effective Date of Rule: July 13, 2023.

Purpose: The purpose of this emergency rule is to reduce the coastal commercial troll fishery weekly landing and possession limit for Chinook.

Citation of Rules Affected by this Order: Repealing WAC 220-354-30000V; 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: This rule is necessary to lower the weekly landing and possession for Chinook in Areas 1 through 4.

A harvestable quota of salmon is available for the troll fleet, but the remaining quota necessitates a lower landing and possession limits for Chinook in Areas 1 through 4. 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 Fishery 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: July 11, 2023.

Kelly Susewind
Director

NEW SECTION

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

Notwithstanding the provisions of WAC 220-354-300, WAC 220-353-050 and WAC 220-354-010, effective July 13, 2023, 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: July 13 through September 30, 2023.

(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: July 13 through September 30, 2023.

(3) Landing and possession limit of 35 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 Salmon Troll 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 Tongue Point, Oregon.

(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 noti-

fyng 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, effective July 13, 2023:

WAC 220-354-30000V Coastal salmon troll seasons—
Commercial. (23-106)

WSR 23-15-043
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-121—Filed July 12, 2023, 1:16 p.m., effective July 15, 2023]

Effective Date of Rule: July 15, 2023.

Purpose: The purpose of this emergency rule is to close recreational fishing in the Quillayute system.

Citation of Rules Affected by this Order: Repealing WAC 220-312-02000C; and amending WAC 220-312-020.

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 close recreational fishing in the Quillayute River system.

This closure is necessary because low hatchery rack returns to the Sol Duc Hatchery indicate that Chinook salmon in the Quillayute watershed are returning below the preseason forecast.

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: July 12, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-02000D Freshwater exceptions to statewide rules—Coast. Effective July 15, until further notice, the following provisions of WAC 220-312-020, regarding all recreational fishing for the Bogachiel, Calawah, Dickey, Quillayute, and Sol Duc rivers shall be modified as described below. All other provisions of WAC 220-312-020 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

(1) **Bogachiel River (Clallam Co.)**, including all tributaries, from the mouth upstream to the Olympic National Park boundary: Closed waters.

- (2) **Calawah River (Clallam Co.)**, including all tributaries, from the mouth upstream to the Olympic National Park boundary: Closed waters.
- (3) **Calawah River, North Fork (Clallam Co.)**, including all tributaries, from the mouth upstream: Closed waters.
- (4) **Calawah River, South Fork (Clallam Co.)**, including all tributaries, from the mouth upstream to the Olympic National Park boundary: Closed waters.
- (5) **Dickey River (Clallam Co.)**, including all tributaries, from the Olympic National Park boundary upstream: Closed waters.
- (6) **Dickey River, East and West forks (Clallam Co.)**, including all tributaries, from their mouths upstream: Closed waters.
- (7) **Quillayute River (Clallam Co.)**, from Olympic National Park boundary upstream to confluence of Sol Duc and Bogachiel rivers: Closed waters.
- (8) **Sitkum River (Clallam Co.)**, including all tributaries, from the mouth upstream: Closed waters.
- (9) **Sol Duc River (Clallam Co.)**, including all tributaries, from mouth upstream to the Olympic National Park boundary: Closed waters.
- (10) **Thunder Creek (Clallam Co.)**, including all tributaries, from the mouth upstream: Closed waters.

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REPEALER

The following section of the Washington Administrative Code is repealed, effective July 15, 2023:

WAC 220-312-02000C Freshwater exceptions to statewide rules—Coast. (23-113)

WSR 23-15-045
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-124—Filed July 12, 2023, 3:37 p.m., effective July 13, 2023]

Effective Date of Rule: July 13, 2023.

Purpose: The purpose of this emergency rule is to set recreational salmon seasons in Catch Record Card Areas 7, 9, and 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: This emergency rule is necessary to set salmon seasons in Catch Record Card Areas 7, 9, and 10, as agreed to during the 2023 North of Falcon season setting process. These rules are temporary until permanent rules, filed in WSR 23-13-072, take effect on July 15, 2023.

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: July 12, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-313-06000X Puget Sound salmon—Saltwater seasons and daily limits. Effective July 13 through July 14, 2023, the following provisions of WAC 220-313-060 regarding salmon seasons for Catch Record Card areas 7, 9, and 10 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:

(1) Catch Record Card Area 7: Salmon:

(a) Open July 13 through July 14, 2023: Daily limit 2 including no more than 1 hatchery Chinook. Release chum, wild coho, and wild Chinook.

(b) Waters of Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-313-020(7): Closed.

(c) Samish Bay area as described in WAC 220-313-020(7): Closed.

(d) Waters of Bellingham Bay described in WAC 220-313-020(1): Closed.

(2) Catch Record Card Area 9, except Edmonds Fishing Pier: Salmon:

(a) Open July 13 through July 14, 2023: Daily limit 2 including no more than 1 hatchery Chinook. Release chum, wild coho, and wild Chinook.

(b) Waters south of a line from Foulweather Bluff to Olele Point: Closed.

(3) Catch Record Card Area 10, except year-round fishing piers (Seacrest Pier, Waterman Pier, Bremerton Boardwalk, and Illahee State Park Pier):

(a) Open July 13 through July 14: Daily limit 2 including no more than 1 hatchery Chinook. Release chum and wild Chinook.

(b) Waters of Shilshole Bay southeast of a line from Meadow Point to West Point: Closed.

(c) Waters of Elliott Bay between a line from West Point to Alki Point and a line from Duwamish Head to Pier 91: Closed.

(d) 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): Closed.

(e) Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge in Bremerton, south of a line true west from Battle Point, and west of a line drawn true south from Point White: Salmon: Open July 13 through July 14: Daily limit 2. Release Chinook and chum.

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WSR 23-15-047
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-125—Filed July 13, 2023, 7:59 a.m., effective July 13, 2023]

Effective Date of Rule: July 13, 2023.

Purpose: This emergency rule WAC 220-340-52000I:

(1) Clarifies the pot limit for shrimp pot fisheries is specific to each gear type and allows a separate maximum 100 pot limit for spot shrimp pots and nonspot shrimp pots respectively.

(2) Defines the first spot shrimp catch accounting period as being from May 8 to August 1, 2023, and allows 5,000 pounds of spot shrimp to be harvested per license for the first catch accounting period.

(3) Closes MFSF Catch Area 25A to commercial spot shrimp harvest on July 13, 2023, due to quota attainment.

(4) Defines the nonspot species complex.

(5) Opens nonspot shrimp quota areas, defines the nonspot shrimp catch accounting periods, sets per license catch limit of 1,500 lbs for catch period number 1 and 1,200 pounds for each subsequent catch period, in Subregions 1A, 1B, and 1C and Region 2E, clarifies there is no weekly harvest limit in Regions 3 or 2W, and sets a 175-foot depth limit in Subregion 1A and MFSF Catch Area 23A.

Citation of Rules Affected by this Order: Repealing WAC 220-340-52000H; 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: July 12, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-52000I Commercial shrimp fishery—Puget Sound. Notwithstanding the provisions of WAC 220-340-520, effective July 13, 2023, 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; WAC 220-320-120)	Open Period
Subregion 1A	Open until further notice
Subregion 1B	Closed
Subregion 1C	Closed
Region 2E	Closed
Region 2W	Open until further notice
Subarea 23A-E	Open until further notice
Subarea 23A-W	Open until further notice
Subarea 23A-C and MSFS Catch Area 23B	Open until further notice
Subarea 23A-S and MSFS Catch Area 23D	Open until further notice
MFSF Catch Area 23C	Open until further notice
MFSF Catch Area 25A, excluding the Discovery Bay Shrimp District	Open through July 13, 2023
Discovery Bay Shrimp District	Closed
MFSF 29 (Straits - Neah Bay)	Open until further notice
Subarea 26B-1 and MFSF Catch Area 26C	Closed
Subarea 26B-2	Closed
Region 5	Open until further notice
MFSF Catch Area 26D	Closed
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 8, 2023, through one hour after official sunset on August 1, 2023.

(c) It is unlawful for the total harvest during the first spot shrimp accounting period to have exceeded 5,000 pounds of spot shrimp per license from all Puget Sound shrimp management regions combined.

(d) 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.

(e) It is lawful to have deactivated non-spot shrimp pots on-board of a commercial vessel that is listed on a Puget Sound shrimp pot license while fishing for spot shrimp.

A deactivated pot is un-baited, has the draw string or door fastened open, and/or is unable to be readily fished.

(3) Non-spot shrimp pot harvests:

(a) The non-spot shrimp species complex is defined as the following species of pandalid shrimp classified in WAC 220-320-010: Dock shrimp (*Pandalus danae*), Coonstripe shrimp (*Pandalus hypsinotus*), Humpty shrimp (*Pandalus goniurus*), Ocean pink shrimp (*Pandalis jordani*), pink shrimp (*Pandalus eous*), Side stripe shrimp (*Pandalus dispar*).

(b) 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; WAC 220-320-120)	Open Period
Subregion 1A	Open until further notice
Subregion 1B	Closed
Subregion 1C	Closed
Region 2E	Open until further notice
Region 2W	Open until further notice
Region 3, not including Discovery Bay Shrimp District	Open until further notice
Discovery Bay Shrimp District	Open until further notice
Region 4	Closed
Region 5	Closed
Region 6	Closed

(c) The non-spot shrimp catch accounting periods begin one hour before official sunrise and end one hour after official sunset on the date listed in the following table:

Period Number	Start Date	End Date
1	5/1/2023	5/16/2023
2	5/17/2023	5/30/2023
3	5/31/2023	6/13/2023
4	6/14/2023	6/27/2023
5	6/28/2023	7/11/2023
6	7/12/2023	7/25/2023
7	7/26/2023	8/8/2023
8	8/9/2023	8/22/2023
9	8/23/2023	9/5/2023
10	9/6/2023	9/19/2023
11	9/20/2023	10/3/2023
12	10/4/2023	10/15/2023

(d) It is unlawful for the total harvest of non-spot shrimp per license to exceed 1,500 pounds during non-spot shrimp catch accounting period number 1 from subregions 1A, 1B, 1C, and Region 2E combined.

(e) It is unlawful for total harvest of non-spot shrimp to exceed 1,200 pounds per non-spot shrimp catch accounting period from subre-

gions 1A, 1B, 1C, and Region 2E combined during catch accounting periods 2 through 12.

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

(g) Harvest of non-spot shrimp is not permitted deeper than 175 feet in Catch Area 23A and all of its subareas (23AE, 23AW, 23AC, 23AS).

(h) Harvest of non-spot shrimp is not permitted deeper than 175 feet in subregion 1A.

(i) 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.

(j) It is lawful to have deactivated spot shrimp pots on-board of a commercial vessel that is listed on a Puget Sound shrimp pot license while fishing for non-spot shrimp.

A deactivated pot is un-baited, has the draw string or door fastened open, and/or is unable to be readily fished.

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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.

REPEALER

The following section of Washington Administrative Code is repealed, effective July 13, 2023:

WAC 220-340-52000H Commercial shrimp pot fishery—Puget Sound. (23-119)

WSR 23-15-051
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-126—Filed July 13, 2023, 1:51 p.m., effective July 15, 2023]

Effective Date of Rule: July 15, 2023.

Purpose: The purpose of this emergency rule is to close recreational salmon fishing in Catch Record Card Area 11.

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

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

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

Reasons for this Finding: This emergency rule is necessary to close salmon seasons in Catch Record Card Area 11.

The sublegal encounter limit for Catch Record Card Area 11 has reached 83 percent (3,209 of 3,845) of what was agreed to in this year's list of agreed [to] fisheries. Feedback from Puget Sound sports fishing advisory group and other members of the public indicated a desire to preserve salmon fishing opportunity for August. Therefore, the Washington department of fish and wildlife will suspend the fishery now to preserve opportunity for later in the summer season.

There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: July 13, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-313-06000Y Puget Sound salmon—Saltwater seasons and daily limits. Effective July 15, 2023, until further notice, the following provisions of WAC 220-313-060 regarding salmon seasons for Catch Record Card Area 11 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:

Catch Record Card Area 11, except year-round piers: Salmon:
Closed.

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REPEALER

The following section of Washington Administrative Code is repealed, effective July 15, 2023:

WAC 220-313-06000V Puget Sound salmon—Saltwater seasons
and daily limits. (23-110)

WSR 23-15-053
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-127—Filed July 13, 2023, 3:32 p.m., effective July 13, 2023, 3:32 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule is to close a portion of the Skagit River to all fishing and to increase the sockeye daily limit in Baker Lake.

Citation of Rules Affected by this Order: Repealing WAC 220-312-04000K and 220-312-04000L; and amending WAC 220-312-040.

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

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

Reasons for this Finding: This rule is necessary to close a portion of the Skagit River to avoid gear conflicts with treaty fisheries.

This rule is also necessary to raise the sockeye daily limit for Baker Lake. Due to Baker Lake trap counts, the Washington department of fish and wildlife and tribal comanagers have updated the expected runsize to 52,000 sockeye. It is expected that by this weekend (July 15), over 20,000 sockeye will have been trucked to Baker Lake. This number of sockeye in the lake, at this point in the season, has only been topped once in the last decade. Broodstock collection is currently at 82 percent of the broodstock goal, which is expected to be met ahead of schedule. This runsize is sufficient to allow for increased opportunity in the lake.

Other previously scheduled salmon seasons for Cascade and Skagit rivers are also maintained by this rule.

There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: July 13, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-04000M Freshwater exceptions to statewide rules—Puget Sound. Effective immediately, through August 31, 2023, the following provisions of WAC 220-312-040 and regarding fishing seasons for portions of the Skagit River, Cascade River, and Baker Lake, shall be modified as described below. All other provisions of WAC 220-312-040 not addressed herein, or unless otherwise amended, remain in effect:

- (1) **Cascade River (Skagit Co.):** From mouth to Rockport-Cascade Rd. Bridge: Effective immediately, through July 15, 2023: Salmon:
- (a) Daily limit 4 including no more than 2 adults. Release all salmon other than hatchery Chinook.
 - (b) Night Closure in effect.
 - (c) Anti-snagging rule in effect.
- (2) **Skagit River (Skagit Co.):**
- (a) From Hwy. 536 Bridge (Memorial Hwy. Bridge) in Mt. Vernon to the Hwy. 9 Bridge in Sedro Woolley: Effective immediately, through July 15, 2023: Salmon:
 - (i) Daily limit 3 sockeye. Release all salmon other than sockeye.
 - (ii) Night closure in effect.
 - (iii) Selective gear rules are not in effect for salmon.
 - (b) From the Hwy 9 Bridge in Sedro Woolley to the Dalles Bridge at Concrete:
 - (i) All species: July 12 through July 14, 2023: Closed Waters.
 - (ii) Salmon: Open the day of July 15, 2023, only:
 - (A) Daily limit 3 sockeye. Release all salmon other than sockeye.
 - (B) Night closure in effect.
 - (C) Selective gear rules are not in effect for salmon.
 - (c) From the Dalles Bridge at Concrete to the Baker River: All species: July 12 through July 14, 2023: Closed Waters.
 - (d) From the Hwy. 530 Bridge at Rockport to Cascade River Rd. (Marblemount Bridge): Effective immediately, through July 15, 2023: Salmon:
 - (i) Daily limit 4 including no more than 2 adults. Release all salmon other than hatchery Chinook.
 - (ii) Night Closure in effect.
 - (iii) Anti-snagging rule in effect.
- (3) **Baker Lake (Whatcom Co.):** Effective immediately, through August 31: Salmon:
- (a) Daily limit 5 sockeye only. Minimum size 18 inches.
 - (b) Each angler aboard a vessel may deploy salmon angling gear until the daily salmon limit for all anglers aboard has been achieved.

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REPEALER

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

- WAC 220-312-04000K Freshwater exceptions to statewide rules—Puget Sound. (23-118)

WAC 220-312-04000L Freshwater exceptions to statewide
rules—Puget Sound. (23-120)

WSR 23-15-055

EMERGENCY RULES

EASTERN WASHINGTON UNIVERSITY

[Filed July 13, 2023, 4:53 p.m., effective July 13, 2023, 4:53 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This emergency revision updates the definition of a threat in Eastern Washington University's student conduct code.

Citation of Rules Affected by this Order: Amending 1 [WAC 172-121-302].

Statutory Authority for Adoption: RCW 28B.35.120(12).

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 Supreme Court altered the definition of a threat in *Counterman v. Colorado*. The revisions to this section of the student conduct code are necessary to comply with the court's decision.

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 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 1, Repealed 0.

Date Adopted: July 13, 2023.

Annika Scharosch
Associate Vice President for Civil Rights
Compliance and Enterprise Risk Management

OTS-4767.1

AMENDATORY SECTION (Amending WSR 23-01-027, filed 12/9/22, effective 1/9/23)

WAC 172-121-302 Abuse, threats, bullying, and harassment. (1) Abuse. Assault and other forms of physical abuse.

(2) Threats. A threat is any conduct ((or statement)) and/or speech that, when viewed objectively, threatens bodily harm to another person or that endangers the health or safety of another person. If the threat primarily involves speech, the speaker also must have consciously disregarded a substantial, unjustifiable risk that the communications could be viewed as threatening violence.

(3) Bullying. Bullying is behavior that is:

(a) Intentional;

(b) Targeted at an individual or group; and

(c) Creates an intimidating and/or threatening environment that is so severe or pervasive, and objectively offensive, that it substantially interferes with another's ability to work, study, participate in, or benefit from the university's programs and activities.

(4) Discriminatory harassment. Physical, verbal, electronic, or other conduct based on an individual's race, color, religion, national origin, sex, age, pregnancy, marital status, sexual orientation, gender identity or expression, citizenship or immigration status, disability, or veteran status when one of the conditions outlined in subsection (3)(a) or (b) of this section are present:

(a) Submission to, or rejection of such conduct is made implicitly or explicitly a term or condition of a person's instruction, academic standing, employment, or participation in any university program, activity, or benefit, or is used as a basis for evaluation in making academic or personnel decisions; or

(b) Such conduct creates a hostile environment. A hostile environment is created when the conduct is sufficiently severe or pervasive, and objectively offensive, that it unreasonably interferes with an individual's academic or work performance, ability to participate in or benefit from the university's programs, services, opportunities, or activities. Unreasonable interference is viewed from both a subjective and objective standard.

[Statutory Authority: RCW 28B.35.120(12). WSR 23-01-027, § 172-121-302, filed 12/9/22, effective 1/9/23.]

WSR 23-15-056

EMERGENCY RULES

DEPARTMENT OF HEALTH

(Washington Medical Commission)

[Filed July 13, 2023, 6:27 p.m., effective July 13, 2023, 6:27 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Removing postgraduate medical training barriers to licensing in WAC 246-919-330 Postgraduate medical training. The Washington medical commission (commission) is amending WAC 246-919-330 to eliminate the outdated requirement for consecutive years of training in no more than two programs. This change will remove a barrier for qualified applicants to obtain licensure.

Due to the practitioner shortage, multiple pathways to board certification eligibility have been opened by the University of Washington (UW), the Accreditation Council for Graduate Medical Education (ACGME), and the American Board of Medical Specialties (ABMS). Multiple ABMS boards have programs that specifically target international medical graduates and place them in four-year training programs, with only years one and three ACGME accredited. The outcome of these programs would be physicians who are ineligible for licensure through the commission, despite four years of postgraduate training through the UW. The first graduates of those programs will complete their training in June 2023.

Separately and recently, applications have come through where the physician has six years of postgraduate training from their efforts to become dually licensed as a physician and a dentist. This clause has resulted in denial of those applications since parts of the training are accredited under ACGME and the rest under the Commission on Dental Accreditation (CODA), the dental profession equivalent of ACGME.

Citation of Rules Affected by this Order: Amending WAC 246-919-330.

Statutory Authority for Adoption: RCW 18.71.017 and 18.130.050.

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 immediate amendment of WAC 246-919-330 is necessary for the preservation of public health, safety, and general welfare. Continued demand for health care professionals, especially qualified physicians, make it essential that qualified applicants are able to obtain licensure. This action will result in increasing the quantity of health care professionals able to respond to current and ongoing staffing demands. Observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to protecting immediate public interests. The commission will begin permanent rule making to adopt these updates.

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 1, Repealed 0.

Date Adopted: July 13, 2023.

Melanie De Leon
Executive Director

OTS-4663.1

AMENDATORY SECTION (Amending WSR 20-22-003, filed 10/21/20, effective 11/21/20)

WAC 246-919-330 Postgraduate medical training. (1) Postgraduate medical training means clinical training approved by the commission in general medicine or surgery, or a specialty or subspecialty in the field of medicine or surgery as recognized by the American Board of Medical Specialties listed in the 2017-2018 ABMS Board Certification Report and new specialties or subspecialties approved by the commission.

(2) The commission approves only the following postgraduate clinical training courses:

(a) Programs accredited by the Accreditation Council for Graduate Medical Education (ACGME) at the time of residency.

(b) Programs accredited by the Royal College of Physicians and Surgeons of Canada (RCPSC) or the College of Family Physicians of Canada (CFPC), or programs accredited by the RCPSC or CFPC at the time of residency.

(3) Postgraduate medical training includes, but is not limited to, internships, residencies and medical or surgical fellowships.

(4) A physician must complete two (~~consecutive~~) years of postgraduate medical training (~~in no more than two programs~~). The physician must acquire this training after completion of a formal course of undergraduate medical instruction outlined in RCW 18.71.055. The commission will accept only satisfactory clinical performance evaluations.

[Statutory Authority: RCW 18.71.017 and 18.130.050. WSR 20-22-003, § 246-919-330, filed 10/21/20, effective 11/21/20. Statutory Authority: RCW 18.71.017 and 18.71.050. WSR 05-07-024, § 246-919-330, filed 3/7/05, effective 4/7/05. Statutory Authority: RCW 18.71.017, 18.71.050 and chapter 18.71 RCW. WSR 01-18-087, § 246-919-330, filed 9/5/01, effective 10/6/01. Statutory Authority: RCW 18.71.017 and 18.71A.020. WSR 96-03-073, § 246-919-330, filed 1/17/96, effective 2/17/96.]

WSR 23-15-057
EMERGENCY RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed July 14, 2023, 10:23 a.m., effective July 14, 2023, 10:23 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The Washington utilities and transportation commission's (commission) rules, specifically WAC 480-93-240, conflict with the statutes prescribing the method of calculation of pipeline safety fees. The rule requires the commission to offset pipeline safety fees by the total amount of penalties collected under RCW 19.122.055 (erroneously referenced as RCW 19.122.050), but RCW 19.122.170 directs the commission to spend those penalty funds on education, not to fund the pipeline safety program. The resulting offset would thus leave the pipeline safety program fund underfunded. Through this emergency rule making, to be followed by a permanent rule making, the commission permanently amends WAC 480-93-240 to remove the offset provision to allow the commission to accurately calculate and invoice pipeline safety program fees.

Citation of Rules Affected by this Order: Amending WAC 480-93-240.

Statutory Authority for Adoption: RCW 80.01.040, 81.01.010, 81.04.160, and 80.24.020.

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

Reasons for this Finding: The pipeline safety program provides for essential services that are necessary for the preservation of the public safety. Pipeline safety fees must be billed to the pipeline operators by August 1, 2023. Because the permanent rule-making notice and opportunity to comment time requirements would not allow the rule to be effective in time for the billing cycle, the commission finds that removing the offset provision immediately through an emergency rule making, to be followed by a permanent rule making, is in the public interest. This will allow the commission to ensure that the pipeline safety program fund is sufficiently funded for 2024.

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: July 14, 2023.

Amanda Maxwell
Executive Director and Secretary

OTS-4768.1

AMENDATORY SECTION (Amending WSR 08-12-046, filed 5/30/08, effective 6/30/08)

WAC 480-93-240 Annual pipeline safety fee methodology. (1) This rule sets forth the commission's fee methodology for the annual regulatory fee paid by a gas pipeline company as that term is defined in RCW 81.88.010. For the purposes of this section, a gas pipeline company is called "company" or "companies" and the "commission's pipeline safety program" means the pipeline safety program that includes each company.

(2) Each company will pay an annual pipeline safety fee as established in the methodology set forth in subsection (3) of this section.

(3) The fee will be set by general order of the commission entered before September 1 of each year and will be collected in four equal installments payable on the first day of each quarter as listed below:

- 1st quarter fee installment due September 1;
- 2nd quarter fee installment due December 1;
- 3rd quarter fee installment due March 1;
- 4th quarter fee installment due June 1.

(a) The total of pipeline safety fees will be calculated to recover no more than the costs of the legislatively authorized workload represented by current appropriations for the commission's pipeline safety program, less the amount received in total base grants through the Federal Department of Transportation (~~and less any amount received from penalties collected under RCW 19.122.050~~). Federal grants, other than the federal base grant, received by the commission for additional activities not included or anticipated in the legislatively directed workload will not be credited against company pipeline safety fees, nor will the work supported by grants be considered a cost for purposes of calculating such fees. To the extent that the actual base grant proceeds are different than the amount credited, the difference will be applied in the following year.

(b) Total pipeline safety fees as determined in (a) of this subsection will be calculated in two parts:

(i) The commission's annual overhead charge to the pipeline safety program will be allocated among companies according to each gas pipeline company's share of the total of all pipeline miles within Washington as reported by companies in their annual reports to the commission.

(ii) After deducting the commission's annual overhead charge, the remainder of the total pipeline safety fee commission's annual pipeline safety program allotment will be allocated among companies in proportion to each company's share of the program staff hours that are directly attributable to particular companies. The commission will determine each company's share by dividing the total hours directly attributable to the company during the two preceding calendar years (as reflected in the program's timekeeping system) by the total of directly attributable hours for all companies over the same period.

(iii) For fee setting purposes, any program hours related to a commission investigation of an incident attributed to third-party damage that results in penalties collected under RCW 19.122.055 will not be directly attributed to the owner of the damaged gas pipeline.

(c) The commission general order setting fees pursuant to this rule will detail the specific calculation of each company's pipeline safety fee including the allocations set forth in (b) of this subsection.

(4) By August 1 of each year the commission staff will mail an invoice to each company.

(5) All funds received by the commission for the pipeline safety program will be deposited to the pipeline safety account. For each gas pipeline company subject to RCW 80.24.010, their portion of the company's total regulatory fee applicable to pipeline safety will be transferred from the public service revolving fund to the pipeline safety account.

(6) Any company wishing to contest the amount of the fee imposed under this section must pay the fee when due and, within 6 months after the due date of the fee, file a petition in writing with the commission requesting a refund. The petition must state the name of the petitioner; the date and the amount paid, including a copy of any receipt, if available; the amount of the fee that is contested; all reasons why the commission may not impose the fee in that amount; and a calculation and explanation of the fee amount the petitioner contends is appropriate, if any. The commission may grant the petition administratively or may set the petition for adjudication or for brief adjudication.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. WSR 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-240, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, 80.24.060, and 81.24.090. WSR 05-17-017 (Docket No. P-041344, General Order No. R-523), § 480-93-240, filed 8/4/05, effective 7/1/06. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 2001 c 238 § 2. WSR 02-03-016 (Docket No. UG-010522, General Order No. R-497), § 480-93-240, filed 1/4/02, effective 2/4/02.]

WSR 23-15-068
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-128—Filed July 14, 2023, 3:26 p.m., effective July 14, 2023, 3:26 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule is to extend the notification deadline for limited participation salmon net fisheries.

Citation of Rules Affected by this Order: Amending WAC 220-354-050.

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 rule is needed to extend the limited participation salmon net fisheries notification deadline. Many fishers participate in out-of-state fisheries and cannot submit notice by July 31. This action allows sufficient opportunity for all fishers to apply for limited participation salmon net 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: July 14, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-354-05000A Commercial fisheries—Salmon—Limited participation salmon net fisheries. Effective immediately, through August 31, 2023, the following provisions of WAC 220-354-050 regarding notification requirements, shall be modified as described below. All other provisions of WAC 220-354-050 not addressed herein, or unless otherwise amended, remain in effect:

Only licensed commercial salmon fishers may participate in a limited participation fishery. Only one listing is allowed per license. Fishers who wish to have their name placed on a limited participation register must notify the department, in writing, by August

31st. Interested fishers must provide a message phone number at which they may be contacted.

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WSR 23-15-071
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-129—Filed July 17, 2023, 9:17 a.m., effective July 17, 2023, 9:17 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Puget Sound recreational shrimp season.

Citation of Rules Affected by this Order: Repealing WAC 220-330-07000T and 220-330-02000D; and amending WAC 220-330-070 and 220-330-020.

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 opens an additional day for recreational all shrimp fishing (including spot shrimp) in the Discovery Bay Shrimp District from 9:00 a.m. through 3:00 p.m. on July 25. This also opens recreational all shrimp fishing (including spot shrimp) in Marine Areas 8-1, 8-2, and the Elliott Bay portion of Marine Area 10 from 9:00 a.m. through 1:00 p.m. on July 25. The opening of the Elliott Bay portion of Marine Area 10 will be subject to a maximum of two pots per boat instead of the usual four pots per boat to stay within the remaining state share. This rule also opens Marine Area 7 West and a portion of Marine Area 7 South to harvest of all shrimp (including spot shrimp) from August 7 through August 14. It maintains the open nonspot shrimp fisheries in Marine Areas 7 East, 9, 11, and 13 with associated nonspot shrimp fishing depth restrictions. It opens Marine Areas 8-1 and 8-2 for nonspot shrimp fisheries with the appropriate depth restriction on July 26 after the all shrimp fishing (including spot shrimp) has concluded. This regulation is needed to ensure an orderly fishery, manage the fishery within court-ordered sharing requirements, and meet conservation objectives. 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 2.

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

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

Date Adopted: July 17, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-330-07000U 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 daily, 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 July 21 through July 25 for all shrimp species.

(3) Marine Area 6 (Discovery Bay Shrimp District): Open on July 25 from 9:00 a.m. to 3:00 p.m. only for all shrimp species.

(4) Marine Area 7 South: Only that portion of Marine Area 7 South that is west of a line projected due south from Point Colville on Lopez Island and east of a line projected due south from Cattle Point on San Juan Island, will open from 1 hour before official sunrise to 1 hour after official sunset on August 7 through August 14 for all shrimp species.

(5) Marine Area 7 West: Open from 1 hour before official sunrise to 1 hour after official sunset on August 7 through August 14 for all shrimp species.

(6) Marine Area 7 East: Open daily 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.

(7) Marine Areas 8-1 and 8-2:

(a) Open July 25 from 9:00 a.m. to 1:00 p.m. for all shrimp species.

(b) Divers may take shrimp by hand or hand-held device from 7:00 p.m. until midnight on July 25 in Marine Area 8-2.

(c) Open daily from July 26 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.

(8) Marine Area 9: Open daily 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) The Elliott Bay portion of Marine Area 10, east of a line projected from West Point southerly to Alki Point: Open on July 25 from 9:00 a.m. to 1:00 p.m. only for all shrimp species.

(10) Marine Area 11: Open daily 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.

(11) Marine Area 13: Open daily 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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NEW SECTION

WAC 220-330-02000D Crab, shrimp, crawfish—Gear and gear-related unlawful acts. Notwithstanding the provisions of WAC 220-330-020, effective only on July 25, 2023 it is unlawful to have on board or to fish for shrimp with more than 2 shrimp pots in Marine Area 8-1, Marine Area 8-2, and the Elliott Bay portion of Marine Area 10, east of a line projected from West Point southerly to Alki Point.

[]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-330-07000T Shrimp—Areas and seasons. (23-90)

The following section of the Washington Administrative Code is repealed, effective July 26, 2023:

WAC 220-330-02000D Crab, shrimp, crawfish—Gear and gear-related unlawful acts.

WSR 23-15-073
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-130—Filed July 17, 2023, 9:52 a.m., effective July 17, 2023, 9:52 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule is to close recreational fishing in Skykomish River, South Fork, upstream of Sunset Falls.

Citation of Rules Affected by this Order: Repealing WAC 220-312-04000F; and amending WAC 220-312-040.

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

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

Reasons for this Finding: This rule is necessary to close fishing upstream of Sunset Falls on the South Fork Skykomish River. Chinook are being hauled upstream from the Sunset Falls trap and haul facility and are susceptible to fishing pressure. This rule also maintains previously announced closures in other areas of the Snohomish River system.

Limited allowable take of wild Chinook in the Snohomish system necessitates strict controls to conserve impacts for pink and coho fisheries this fall. The Snohomish wild Chinook population saw a record low return of 1,023 in 2019, the year when dominant age class four-year old Chinook returning in 2023 would have been hatched. There is now significant concern for a poor return of wild Chinook to the Snohomish [River] and its tributaries this year.

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: July 17, 2023.

Kelly Susewind
Director

[NEW SECTION]

WAC 220-312-04000N Freshwater exceptions to statewide rules—Puget Sound. Effective immediately, until further notice, provisions of WAC 220-312-040 regarding recreational fishing seasons for the Snohomish River system shall be modified as described below. All other provisions of WAC 220-312-040 not addressed herein, or unless otherwise amended by emergency rule remain in effect:

Effective immediately, until further notice, the following waters are closed to all fishing:

- (a) **Cherry Creek**, from mouth upstream
- (b) **Raging River**, from mouth upstream
- (c) **Skykomish River**, from mouth to U.S. Hwy. 2 Bridge (near Gold Bar)
- (d) **Skykomish River, North Fork**, from mouth upstream
- (e) **Skykomish River, South Fork**, from mouth upstream
- (f) **Snohomish River**, from mouth to confluence of Skykomish and Snoqualmie rivers
- (g) **Snoqualmie River**, from mouth to Snoqualmie Falls
- (h) **Sultan River**, from mouth upstream
- (i) **Tolt River**, from mouth to confluence of North and South forks
- (j) **Wallace River**, from mouth to 200' upstream of water intake of salmon hatchery

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Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

REPEALER

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

WAC 220-312-04000F Freshwater exceptions to statewide rules—Puget Sound. (23-67)

WSR 23-15-093
EMERGENCY RULES
HIGHLINE COLLEGE

[Filed July 18, 2023, 12:52 p.m., effective July 18, 2023, 12:52 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Update the student conduct code to be in compliance with the implementation of HB [2SHB] 1751 (Sam's Law, hazing prevention). This includes amending the definition of hazing, adding student groups to our jurisdiction, adding the definition of a student group to the definition section, and adding a new section about the hazing specific sanctions.

Citation of Rules Affected by this Order: New WAC 132I-126-130; and amending WAC 132I-126-010, 132I-126-050, and 132I-126-100.

Statutory Authority for Adoption: Washington HB [2SHB] 1751 (Sam's Law, hazing prevention) was passed into law March 3, 2022, and became effective June 9, 2022.

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: Highline College needs to update their code to be in compliance with the law. This is an emergency rule extension to give the college more time to adopt the 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 1, Amended 3, 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 3, Repealed 0.

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

Date Adopted: July 18, 2023.

Isabelle Wroblewski
Student Conduct Manager

OTS-4433.1

AMENDATORY SECTION (Amending WSR 21-14-003, filed 6/23/21, effective 7/24/21)

WAC 132I-126-010 Statement of jurisdiction. ((The student conduct code applies to student conduct that occurs on college premises, to conduct that occurs at or in connection with college-sponsored activities, or to off-campus conduct that in the judgment of the college adversely affects the college community or the pursuit of its objectives. Jurisdiction extends to, but is not limited to, locations in which students are engaged in official college activities including, but not limited to, foreign or domestic travel, activities funded by

~~the associated students, athletic events, training internships, cooperative and distance education, online education, practicums, supervised work experiences or any other college-sanctioned social or club activities. Students are responsible for their conduct from the date of admission through the actual receipt of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending. The college has sole discretion on a case-by-case basis to determine whether the student conduct code will be applied to conduct that occurs off campus.))~~

(1) The student conduct code shall apply to conduct by students and student groups that occurs:

(a) On college premises;

(b) At or in connection with college sponsored activities; or

(c) To off-campus conduct that in the judgment of the college adversely affects the college community or the pursuit of its objectives.

(2) Jurisdiction extends to, but is not limited to, locations in which students or student groups are engaged in official college activities including, but not limited to, foreign or domestic travel, activities funded by the associated students, athletic events, training internships, cooperative and distance education, online education, practicums, supervised work experiences or any other college-sanctioned social or club activities and college-sanctioned housing.

(3) Students are responsible for their conduct from notification of admission to the college through the actual receipt of a certificate or degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment.

(4) These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending.

(5) The student conduct officer has sole discretion, on a case-by-case basis, to determine whether the student conduct code will be applied to conduct by students or student groups that occurs off-campus.

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 21-14-003, § 132I-126-010, filed 6/23/21, effective 7/24/21.]

AMENDATORY SECTION (Amending WSR 21-14-003, filed 6/23/21, effective 7/24/21)

WAC 132I-126-050 Definitions. The following definitions shall apply for the purpose of this student conduct code:

(1) "Business day" means a weekday, excluding weekends and college holidays.

(2) "College premises" shall include all campuses of the college, wherever located, and includes all land, buildings, facilities, vehicles, equipment and other property owned, used or controlled by the college.

(3) "Conduct review officer" is the vice president for student services or designee who is responsible for receiving and for reviewing or referring appeals of student disciplinary actions in accordance with the procedures of this code. The president is authorized to reassign any and all of the conduct review officer's duties or responsibilities as set forth in this chapter as may be reasonably necessary.

(4) "Disciplinary action" is the process by which the student conduct officer imposes discipline against a student for a violation of the student conduct code.

(5) "Disciplinary appeal" is the process by which an aggrieved student can appeal the discipline imposed by the student conduct officer. Disciplinary appeals from a suspension in excess of ~~((ten))~~ 10 instructional days or from a dismissal are heard by the student conduct committee. Appeals of all other appealable disciplinary action are reviewed through brief adjudicative proceedings, unless the case is referred to the committee by the student conduct officer or the conduct review officer.

(6) "Filing" is the process by which a document is officially delivered to a college official responsible for facilitating a disciplinary review. Unless otherwise provided, filing shall be accomplished by:

(a) Hand delivery of the document to the specified college official or college official's assistant; or

(b) Sending the document by email and either intercampus mail or first class mail to the specified college official's office and college email address.

Papers required to be filed shall be deemed filed upon actual receipt during office hours at the office of the specified college official.

(7) "Respondent" is the student against whom disciplinary action is initiated.

(8) "Service" is the process by which a document is officially delivered to a party. Unless otherwise provided, service upon a party shall be accomplished by:

(a) Hand delivery of the document to the party; or

(b) Sending the document by email and by certified mail or first class mail to the party's last known address.

Service is deemed complete upon hand delivery of the document or upon the date the document is emailed and deposited in the mail.

(9) "Student" includes all persons taking courses at or through the college, whether on a full-time or part-time basis, and whether such courses are credit courses, noncredit courses, online courses, or otherwise. Persons who withdraw after allegedly violating the code, who are not officially enrolled for a particular term but who have a continuing relationship with the college, or who have been admitted for admission are considered "students."

(10) "Student conduct officer" is a college administrator designated by the vice president for student services to be responsible for implementing and enforcing the student conduct code. The vice president for student services is authorized to reassign any and all of the student conduct officer's duties or responsibilities as set forth in this chapter as may be reasonably necessary.

(11) "Student group" is a student organization, athletic team, or living group including, but not limited to, student clubs and organizations, members of a class or student cohort, student performance groups, and student living groups within student housing.

(12) "The president" is the president of the college. The president is authorized to delegate any of his or her responsibilities as set forth in this chapter as may be reasonably necessary.

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 21-14-003, § 132I-126-050, filed 6/23/21, effective 7/24/21.]

AMENDATORY SECTION (Amending WSR 21-14-003, filed 6/23/21, effective 7/24/21)

WAC 132I-126-100 Prohibited student conduct. The college may impose disciplinary sanctions against a student who commits, attempts to commit, aids, abets, incites, encourages, or assists another person to commit, an act(s) of misconduct which include, but are not limited to, the following:

(1) **Academic dishonesty.** Any act of academic dishonesty including, but not limited to, cheating, plagiarism, and fabrication.

(a) Cheating: Includes any attempt to give or obtain unauthorized assistance relating to the completion of an academic assignment.

(b) Plagiarism includes taking and using as one's own, without proper attribution, the ideas, writings, or work of another person in completing an academic assignment. Prohibited conduct may also include the unauthorized submission for credit of academic work that has been submitted for credit in another course.

(c) Fabrication includes falsifying data, information, or citations in completing an academic assignment and also includes providing false or deceptive information to an instructor concerning the completion of an assignment.

(d) Collusion includes assisting another to commit an act of academic dishonesty, such as paying or bribing someone to acquire a test or assignment, or to increase the score on a test or assignment; taking a test or doing an assignment for someone else; allowing someone to do these things for one's own benefit.

(e) Academic misconduct includes intentionally violating college policies, such as altering grades, misrepresenting one's identity failing to report known incident of academic dishonesty or participating in obtaining or distributing any part of the test or any information about a test.

Academic consequences for academic dishonesty or abetting in academic dishonesty may be imposed at the discretion of a faculty member up to and including a failing grade for the course. Students should refer to each of their faculty's course syllabus. Further academic consequences may follow consistent with the provisions in any program handbook. Incidents of academic dishonesty may also be referred to the student conduct officer for disciplinary action consistent with this chapter in addition to the academic consequences identified above.

(2) **Other dishonesty.** Any other acts of dishonesty. Such acts include, but are not limited to:

(a) Forgery, alteration, submission of falsified documents or misuse of any college document, record, or instrument of identification;

(b) Tampering with an election conducted by or for college students; or

(c) Furnishing false information, or failing to furnish correct information, in response to the request or requirement of a college officer or employee.

(3) **Obstructive or disruptive conduct.** Conduct, not otherwise protected by law, that interferes with, impedes, or otherwise unreasonably hinders.

(a) Any instruction, research, administration, disciplinary proceeding, or other college activities, including the obstruction of the free flow of pedestrian or vehicular movement on college property or at a college activity; or

(b) Any activity that is authorized to occur on college property, whether or not actually conducted or sponsored by the college.

(4) **Assault, intimidation, harassment.** Unwanted touching, physical abuse, verbal abuse, threat(s), intimidation, harassment, bullying, or other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person or another person's property. For purposes of this code, "bullying" is defined as repeated or aggressive unwanted behavior, not otherwise protected by law that intentionally humiliates, harms, or intimidates the victims.

(5) **Cyber misconduct.** Cyberstalking, cyberbullying or online harassment. Use of electronic communications including, but not limited to, electronic mail, instant messaging, electronic bulletin boards, and social media sites, to harass, abuse, bully or engage in other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person. Prohibited activities include, but are not limited to, unauthorized monitoring of another's email communications directly or through spyware, sending threatening emails, disrupting electronic communications with spam or by sending a computer virus, sending false messages to third parties using another's email identity, nonconsensual recording of sexual activity, and nonconsensual distribution of a recording of sexual activity.

(6) **Property violation.** Damage to, misappropriation of, unauthorized use or possession of, vandalism or other nonaccidental damaging or destruction of college property or the property of another person. Property for purposes of this subsection includes computer passwords, access codes, identification cards, personal financial account numbers, other confidential personal information, intellectual property and college trademarks.

(7) **Failure to comply with directive.** Failure to comply with the directive of a college officer or employee who is acting in the legitimate performance of his or her duties, including failure to properly identify oneself to such a person when requested to do so.

(8) **Weapons violation.** Possession, holding, wearing, transporting, storage or presence of any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, explosive device, or any other weapon apparently capable of producing bodily harm is prohibited on the college campus, subject to the following exceptions:

(a) Commissioned law enforcement personnel, legally authorized military personnel, or approved contractors, while in performance of their duties;

(b) A student with a valid concealed weapons permit may store a pistol in his or her vehicle parked on campus in accordance with RCW 9.41.050 (2) or (3), provided the vehicle is locked and the weapon is concealed from view; or

(c) The president or designee may grant permission to bring a weapon on campus upon a determination that the weapon is reasonably

related to a legitimate pedagogical purpose. Such permission shall be in writing and shall be subject to such terms or conditions incorporated in the written permission.

This policy does not apply to the possession and/or use of disabling and/or self-defense sprays when possessed and/or used for self-defense.

(9) **Hazing.** (~~Hazing includes, but is not limited to, any initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student.~~)

(a) Hazing is any act committed as part of:

(i) A person's recruitment, initiation, pledging, admission into, or affiliation with a student group;

(ii) Any pastime or amusement engaged in with respect to such a student group; or

(iii) That causes, or is likely to cause, bodily danger or physical harm, or serious psychological or emotional harm, to any student.

(b) Examples of hazing include, but are not limited to:

(i) Causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which subjects the person to risk of such harm;

(ii) Humiliation by ritual act;

(iii) Striking another person with an object or body part;

(iv) Causing someone to experience excessive fatigue, or physical and/or psychological shock; or

(v) Causing someone to engage in degrading or humiliating games or activities that create a risk of serious psychological, emotional, and/or physical harm.

(c) "Hazing" does not include customary athletic events or other similar contests or competitions.

(d) Consent is not a valid defense against hazing.

(10) **Alcohol, drug, and tobacco violations.**

(a) **Alcohol.** The use, possession, delivery, sale, or being observably under the influence of any alcoholic beverage, except as permitted by law and applicable college policies.

(b) **Marijuana.** The use, possession, delivery, or sale of marijuana or the psychoactive compounds found in marijuana intended for human consumption, regardless of form, or being observably under the influence of marijuana or the psychoactive compounds found in marijuana. While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities.

(c) **Drugs.** The use, possession, delivery, sale, or being observably under the influence of any legend drug, including anabolic steroids, androgens, or human growth hormones as defined in chapter 69.41 RCW, or any other controlled substance under chapter 69.50 RCW, except as prescribed for a student's use by a licensed practitioner.

(d) **Tobacco, electronic cigarettes, and related products.** The use of tobacco, electronic cigarettes, and related products in any building owned, leased or operated by the college or in any location where such use is prohibited, including (~~twenty-five~~) 25 feet from entrances, exits, windows that open, and ventilation intakes of any building owned, leased or operated by the college. The use of tobacco, electronic cigarettes, and related products on the college campus is restricted to designated smoking areas. "Related products" include, but

are not limited to, cigarettes, pipes, bidi, clove cigarettes, water-pipes, hookahs, chewing tobacco, vaporizers, and snuff.

(11) **Lewd conduct.** Conduct which is lewd or obscene that is not otherwise protected under the law.

(12) **Discriminatory conduct.** Conduct which harms or adversely affects any member of the college community because of her/his race; color; national origin; sensory, mental or physical disability; use of a service animal; gender, including pregnancy; marital status; age; religion; creed; sexual orientation; gender identity; veteran's status; or any other legally protected classification.

(13) **Sexual misconduct.** The term "sexual misconduct" includes sexual harassment, sexual intimidation, and sexual violence. Sexual harassment prohibited by Title IX is defined in the supplemental procedures to this code. See WAC 132I-126-505 through 132I-126-585 (supplemental Title IX student conduct procedures).

(a) **Sexual harassment.** The term "sexual harassment" means unwelcome sexual or gender-based conduct, including unwelcome sexual advances, requests for sexual favors, quid pro quo harassment, and other verbal, nonverbal, or physical conduct of a sexual or a gendered nature that is sufficiently severe, persistent, or pervasive as to:

(i) Deny or limit the ability of a student to participate in or benefit from the college's educational program;

(ii) Alter the terms or conditions of employment for a college employee(s); and/or

(iii) Create an intimidating, hostile, or offensive environment for other campus community members.

(b) **Sexual intimidation.** The term "sexual intimidation" incorporates the definition of "sexual harassment" and means threatening or emotionally distressing conduct based on sex including, but not limited to, nonconsensual recording of sexual activity or the distribution of such recording.

(c) **Sexual violence.** "Sexual violence" is a type of sexual discrimination and harassment. Nonconsensual sexual intercourse, nonconsensual sexual contact, domestic violence, dating violence, and stalking are all types of sexual violence.

(i) Nonconsensual sexual intercourse. Any actual or attempted sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

(ii) Nonconsensual sexual contact. Any actual or attempted sexual touching, however slight, with any body part or object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

(iii) Incest. Sexual intercourse or sexual contact with a person known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half related. Descendant includes stepchildren and adopted children under the age of (~~eighteen~~) 18.

(iv) Statutory rape. Consensual intercourse between a person who is (~~eighteen~~) 18 years of age or older, and a person who is under the age of (~~sixteen~~) 16.

(v) Domestic violence. Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or

stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Washington, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Washington, RCW 26.50.010.

(vi) Dating violence, physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person:

(A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(I) The length of the relationship;

(II) The type of relationship; and

(III) The frequency of interaction between the persons involved in the relationship.

(vii) Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety, or the safety of others, or suffer substantial emotional distress.

(d) For purposes of this code, "consent" means knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Each party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact. A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has engaged in nonconsensual conduct. Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.

(14) **Harassment.** Unwelcome and offensive conduct, including verbal, nonverbal, or physical conduct, that is directed at a person because of such person's protected status and that is sufficiently serious as to deny or limit, and that does deny or limit, the ability of a student to participate in or benefit from the college's educational program, that changes the terms or conditions of employment for a college employee, or that creates an intimidating, hostile, or offensive environment for other campus community members. Protected status includes a person's race; color; national origin; sensory, mental or physical disability; use of a service animal; gender, including pregnancy; marital status; age; religion; creed; sexual orientation; gender identity; veteran's status; or any other legally protected classification. See "sexual misconduct" for the definition of "sexual harassment." Harassing conduct may include, but is not limited to, physical conduct, verbal, written, social media, and electronic communications.

(15) **Retaliation.** Harming, threatening, intimidating, coercing, or taking adverse action of any kind against a person because such person reported an alleged violation of this code or college policy, provided information about an alleged violation, or participated as a

witness or in any other capacity in a college investigation or disciplinary proceeding.

(16) **Misuse of electronic resources.** Theft or other misuse of computer time or other electronic information resources of the college. Such misuse includes, but is not limited to:

(a) Unauthorized use of such resources or opening of a file, message, or other item;

(b) Unauthorized duplication, transfer, or distribution of a computer program, file, message, or other item;

(c) Unauthorized use or distribution of someone else's password or other identification;

(d) Use of such time or resources to interfere with someone else's work;

(e) Use of such time or resources to send, display, or print an obscene or abusive message, text, or image;

(f) Use of such time or resources to interfere with normal operation of the college's computing system or other electronic information resources;

(g) Use of such time or resources in violation of applicable copyright or other law;

(h) Adding to or otherwise altering the infrastructure of the college's electronic information resources without authorization; or

(i) Failure to comply with the college's electronic use policy.

(17) **Unauthorized access.** Unauthorized possession, duplication, or other use of a key, keycard, or other restricted means of access to college property, or unauthorized entry onto or into college property.

(18) **Safety violations.** Nonaccidental conduct that interferes with or otherwise compromises any college policy, equipment, or procedure relating to the safety and security of the campus community, including tampering with fire safety equipment and triggering false alarms or other emergency response systems.

(19) **Violation of other laws or policies.** Violation of any federal, state, or local law, rule, or regulation or other college rules or policies, including college traffic and parking rules.

(20) **Ethical violation.** The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular profession for which the student is taking a course or is pursuing as an educational goal or major.

In addition to initiating discipline proceedings for violation of the student conduct code, the college may refer any violations of federal, state, or local laws to civil and criminal authorities for disposition. The college reserves the right to pursue student disciplinary proceedings regardless of whether the underlying conduct is subject to civil or criminal prosecution.

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 21-14-003, § 132I-126-100, filed 6/23/21, effective 7/24/21.]

NEW SECTION

WAC 132I-126-130 Hazing prohibited—Sanctions. (1) Hazing by a student or a student group is prohibited pursuant to WAC 132I-126-100(9).

(2) No student may conspire to engage in hazing or participate in hazing of another. State law provides that hazing is a criminal offense, punishable as a misdemeanor.

(3) Washington state law provides that:

(a) Any student group that knowingly permits hazing is strictly liable for harm caused to persons or property resulting from hazing. If the organization, association, or student living group is a corporation whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

(b) Any person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for a period of time determined by the college.

(c) Student groups that knowingly permits hazing to be conducted by its members or by others subject to its direction or control shall be deprived of any official recognition or approval granted by the college.

(d) Student groups found responsible for violating the code of student conduct, college antihazing policies, or state or federal laws relating to hazing or offenses related to alcohol, drugs, sexual assault, or physical assault will be disclosed in a public report issued by the college setting forth the name of the student group, the date the investigation began, the date the investigation ended, a finding of responsibility, a description of the incident(s) giving rise to the finding, and the details of the sanction(s) imposed.

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WSR 23-15-101
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-131—Filed July 18, 2023, 3:46 p.m., effective July 26, 2023]

Effective Date of Rule: July 26, 2023.

Purpose: The purpose of this emergency rule is to open recreational sockeye seasons for Lake Wenatchee and expand the area open for salmon for the Entiat 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: This rule is necessary to open sockeye salmon seasons in Lake Wenatchee. Based on current sockeye passage analysis at Tumwater Dam and mainstem Columbia River Dams, the Washington department of fish and wildlife projects a surplus of harvestable sockeye destined for Lake Wenatchee, well above the natural spawning escapement goal of 23,000 fish. This fishery will be monitored closely and may close on short notice depending upon angler participation and harvest rates.

This rule is also needed to expand the area open to salmon fishing for the Entiat River. Entiat River hatchery Chinook returns indicate that hatchery broodstock needs will be met and that a harvestable surplus of hatchery Chinook exists in the river. Expanding the area open for salmon fishing will increase harvest opportunity for anglers.

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: July 18, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-05000E Exceptions to statewide rules—Eastside. The following provisions of WAC 220-312-050 regarding Lake Wenatchee (Chelan County) and Entiat River recreational salmon seasons shall be modified as described below. All other provisions of WAC 220-312-050 not addressed herein, and unless otherwise amended by emergency rule, remain in effect:

(1) Lake Wenatchee (Chelan County): Effective July 26 through August 31, 2023:

- (a) Daily limit 4 salmon
- (b) Release all salmon other than sockeye.
- (c) Selective gear rules in effect.
- (d) Night closure in effect.

(2) Entiat River (Chelan County); from mouth (railroad bridge) to Mad River Rd. Bridge (near Ardenvoir): Effective August 1 through September 30, 2023:

- (a) Daily limit 6 salmon.
- (b) Release all salmon other than Chinook.
- (c) Night closure in effect.

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WSR 23-15-103
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-134—Filed July 18, 2023, 4:20 p.m., effective July 21, 2023]

Effective Date of Rule: July 21, 2023.

Purpose: The purpose of this emergency rule is to open one day of recreational salmon fishing in Catch Record Card Area 7.

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

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

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

Reasons for this Finding: This emergency rule is necessary to open salmon seasons in Catch Record Card Area 7. Catch estimates for the Marine Area 7 summer Chinook fishery indicate that through July 23, 2022 [2023], 67 percent of the harvest quota (1,203 of 1,800), 25 percent of unmarked encounters (988 of 3,991) and 23 percent of sublegal encounters (593 of 2,573) have been reached. This allows space for additional days of fishing to be added to the 2022 [2023] summer Chinook season. There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: July 18, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-313-06000z Puget Sound salmon—Saltwater seasons and daily limits. Effective the day of July 21, 2023, only, for Catch Record Card Area 7, the following provisions of WAC 220-313-060 regarding salmon seasons 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:

Catch Record Card Area 7:

- (a) Daily limit 2 salmon, including no more than 1 hatchery Chinook. Release chum, wild Chinook and wild coho.
- (b) Waters of Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-313-020(7): Closed.
- (c) Waters of Bellingham Bay described in WAC 220-313-020(1): Closed.
- (d) Lummi Bay: Waters east of a line from Gooseberry Point to Sandy Point: Closed.

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