

**WSR 06-09-001**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 06-64—Filed April 6, 2006, 3:39 p.m., effective April 6, 2006]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

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

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: Harvestable amounts of sea cucumbers are available in sea cucumber districts listed. Prohibition of all diving within two days of scheduled sea cucumber openings discourages the practice of fishing on closed days and hiding the unlawful catch underwater until the legal opening. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 6, 2006.

J. P. Koenings  
Director  
by Larry Peck

NEW SECTION

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

(1) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber Districts 1 and 2 on Monday, April 10, 2006 only. Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 5 on Monday, Tuesday and Wednesday of each week.

(2) It is unlawful to dive for any purpose from a commercially licensed sea cucumber fishing vessel on Saturdays and

Sundays of each week, except by written permission from the Director.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-07100Y Sea cucumbers. (06-61)

**WSR 06-09-002**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 06-63—Filed April 6, 2006, 3:39 p.m., effective April 9, 2006.]

Effective Date of Rule: April 9, 2006.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-56-255.

Statutory Authority for Adoption: RCW 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 Puget Sound recreational halibut fishery quota for 2006 is 68,607 pounds, which is sufficient to provide for these seasons. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Date Adopted: April 6, 2006.

J. P. Koenings  
Director  
by Larry Peck

NEW SECTION

**WAC 220-56-25500A Halibut—Seasons—Daily and possession limits.** (1) Notwithstanding the provisions of WAC 220-56-255, effective immediately until further notice, it is unlawful to fish for or possess halibut taken for personal

use except from the areas or in excess of the amounts provided for in this section:

(a) Catch Record Card Areas 6 through 11 and Catch Record Area 13 - Open 12:01 a.m. April 9 through 11:59 p.m. June 18, 2006; except closed to fishing for halibut 12:01 a.m. of each Tuesday through 11:59 p.m. of each Wednesday.

(b) Catch Record Card Area 5 - Open 12:01 a.m. May 25 until further notice, except closed to fishing for halibut 12:01 a.m. of each Tuesday through 11:59 p.m. of each Wednesday.

(2) Daily limit one halibut. The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit.

**WSR 06-09-006**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 06-65—Filed April 7, 2006, 4:59 p.m., effective April 7, 2006]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

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

Statutory Authority for Adoption: RCW 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: Sets a fourth additional week of fishing for the winter season in Blind Slough. The select area fisheries (SAFE) are part of an on-going BPA funded study to design fisheries in areas outside of the mainstem Columbia River. With the closure of mainstem commercial fisheries, the extended time will allow for additional opportunity to harvest salmon originating from the select areas. Several stocks of salmon have been released from net pens in these select areas to provide for fisheries. All salmon returning to these net pens are harvestable. Impacts to ESA-listed stocks in these fisheries are covered under the biological opinion for the interim management agreement. Impacts to non-local stocks are expected to be minimal. This rule is consistent with actions of the Columbia River compact hearings of January 26, 2006, and April 6, 2006. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Date Adopted: April 7, 2006.

Evan Jacoby  
for Jeff Koenings  
Director

NEW SECTION

**WAC 220-33-01000F Columbia River seasons below Bonneville.** Notwithstanding the provisions of WAC 220-33-010, WAC 220-33-020, and WAC 220-33-030, it is unlawful for a person to take or possess salmon, sturgeon, and shad, taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E except during the times and conditions listed:

1. Blind Slough/Knappa Slough Select Area

a) Area: Open waters of Blind Slough extend from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge, downstream to markers at the mouth of Blind Slough. Concurrent Washington/Oregon waters extend downstream of the railroad bridge

Knappa Slough is open to fishing in all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to a north-south line defined by a marker on the eastern end of Minaker Island to markers on Karlson Island and the Oregon shore.

b) Dates:

Winter Season: 7:00 p.m. Wednesdays to 7:00 a.m. Thursdays and 7:00 p.m. Sunday to 7:00 a.m. Mondays immediately through April 13, 2006

Spring Season: 7:00 p.m. Mondays to 7:00 a.m. Tuesdays and 7:00 p.m. Thursdays to 7:00 a.m. Fridays from April 20 until June 16, 2006.

Only Blind Slough is open through April 13. After April 13, both Blind Slough and Knappa Slough are open.

During May 1 through June 16, the lower boundary of the Knappa Slough fishing area is extended downstream to boundary lines defined by markers on the west end of Minaker Island to markers on the Karlson Island and the Oregon Shore (fall-season boundary).

c) Gear: 7-inch minimum mesh through April 13 and 8-inch maximum mesh thereafter. Monofilament nets are allowed. Nets restricted to 100 fathoms in length with no weight restriction on leadline. Use of additional weights or anchors attached directly to the leadline is allowed.

d) Allowable Sales: Salmon, sturgeon, shad. A maximum of three sturgeon (green or white in aggregate) may be possessed or sold by each participating vessel during each open period.

2. Deep River Select Area

a) Area: From the markers at USCG navigation marker #16 upstream to the Highway 4 Bridge.

b) Dates: 7:00 p.m. Mondays to 7:00 a.m. Tuesdays and 7:00 p.m. Thursdays to 7:00 a.m. Fridays from April 20 through June 16, 2006

c) Gear: 8 inch maximum. Monofilament nets are allowed. Nets restricted to a maximum length of 100 fathoms and no weight restriction on leadline. Use of additional weights or anchors attached directly to the leadline is allowed. Nets cannot be tied off of any stationary structures. Nets may not fully cross the navigation channel.

d) Allowable sale: salmon, sturgeon and shad. A maximum of three sturgeon (green or white in aggregate) may be possessed or sold by each participating vessel during each open period.

e) Miscellaneous: Transportation or possession of fish outside the fishing area is unlawful, except fishers may transport their catch out of the fishing area with a permit issued by an authorized agency employee after examining the catch.

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

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000E Columbia River seasons below Bonneville. (06-60)

**WSR 06-09-012  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 06-66—Filed April 10, 2006, 3:28 p.m., effective April 10, 2006]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-88C-030.

Statutory Authority for Adoption: RCW 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: One-third of the current permit holders (five individuals) missed the deadline to renew their permits. Without this extension, there would only be eleven individuals available to participate in the 2006 sardine fishery. Anecdotal information from some Sardine Advisory Group members, particularly the processing sector, indicates that this could result in them not being able to fulfill their markets this year. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

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

Date Adopted: April 10, 2006.

J. P. Koenings  
Director  
by Larry Peck

### NEW SECTION

**WAC 220-88C-03000E Eligibility to participate in the coastal pilchard fishery.** Notwithstanding the provisions of WAC 220-88C-030, effective immediately the renewal date for experimental sardine permit holders to purchase an emerging commercial license and renew their sardine (pilchard) permits has been extended to May 5, 2006.

**WSR 06-09-016  
EMERGENCY RULES  
PUBLIC EMPLOYMENT  
RELATIONS COMMISSION**

[Filed April 11, 2006, 8:58 a.m., effective April 11, 2006]

Effective Date of Rule: Immediately.

Purpose: Required to implement section 1 of E2SHB 2353 (chapter 54, Laws of 2006), which grants collective bargaining rights to family child care providers under chapter 41.56 RCW. PERC's normal election rules, chapter 391-25 WAC, require posting of election notices on employer's premises. Because many child care providers operate from their homes, those requirements are impractical.

Statutory Authority for Adoption: RCW 41.56.090, 41.58.050.

Other Authority: Chapter 54, Laws of 2006.

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: Section 1 of E2SHB 2353 (chapter 54, Laws of 2006) requires that a collective bargaining agreement be negotiated by November 15, 2006, to be ratified by the legislature in 2007, and an election must precede any negotiations. Section 13 declares that sections 1 through 5 of that act are an emergency. In order to effectuate the purposes of section 1 of the act, this rule is necessary in

order to conduct a representation election under chapter 41.56 RCW and chapter 391-25 WAC.

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

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

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

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

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

Date Adopted: April 10, 2006.

Marvin L. Schurke  
Executive Director

#### NEW SECTION

**WAC 391-25-071 Special provision—Family child care providers.** This emergency rule consolidates special procedures applicable to family child care providers under the "access to quality family child care act" (FCCA), chapter 54, laws of 2006, which became effective March 15, 2006, upon signature by the Governor. The FCCA extended the coverage of chapter 41.56 RCW to any "family child care provider" defined as a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider or in the home of the child or children for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) receives child care subsidies; and (c) is either licensed by the state under RCW 74.15.030 or is exempt from licensing under Chapter 74.15 RCW.

(1) The posting of notice requirement in WAC 391-25-140 is inapplicable to the bargaining unit affected by the FCCA.

(2) The description of bargaining unit requirement of WAC 391-25-190 is limited to a single, statewide unit of family child care providers under the FCCA.

(3) The description of bargaining unit requirement of WAC 391-25-210(2) is limited to a single, statewide unit of family child care providers under the FCCA.

(4) The provisions of WAC 391-25-210(3) relating to alternative units or mergers of units are inapplicable to the bargaining unit affected by the FCCA.

(5) The posting requirement in WAC 391-25-220(2), relating to investigation statements, is inapplicable to the bargaining unit affected by the FCCA.

(6) The posting requirement in WAC 391-25-230(2), relating to election agreements, is inapplicable to the bargaining unit affected by the FCCA.

(7) The cross-check procedures in WAC 391-25-250, 391-25-391, and 391-25-410 are inapplicable to the bargaining unit affected by the FCCA.

(8) The unit determination election procedures in WAC 391-25-420 are inapplicable to the bargaining unit affected by the FCCA.

(9) The requirements of WAC 391-25-430, relating to posting of election notices on the employer's premises, is inapplicable to the bargaining unit affected by the FCCA.

(10) Any representation election for the bargaining unit affected by the FCCA shall be conducted by mail ballot under WAC 391-25-470, with the following modifications:

(a) Together with the procedures for casting ballots, the notice supplied to family child care providers may describe the collective bargaining rights established by the FCCA and agreements reached by the parties to the proceedings concerning the election process;

(b) The notice and ballot materials supplied to all family child care providers shall be set forth in English and Spanish;

(c) The ballot materials supplied to family child care providers shall include a card return-addressed to the commission, by which eligible voters can individually request ballot materials in languages other than English which have been specified by one or more of the parties in an investigation conference conducted under WAC 391-25-220 and, upon receipt of a such request card, the agency shall supply ballot materials to the eligible voter in the requested language.

(d) At least twenty-eight days shall be provided between the date on which ballot materials are mailed to family child care providers and the deadline for return of cast ballots to the commission.

(e) The executive director shall have discretion to vary tally arrangements and procedures from those customarily used, because of the large size of the bargaining unit involved, so long as the principles of secret balloting are preserved.

(f) The reference in WAC 391-25-470 to WAC 391-25-140 shall be interpreted in light of subsection (1) of this section.

(11) The procedure for on-site elections in WAC 391-25-490 is inapplicable to the bargaining unit affected by the FCCA.

(12) The procedure in WAC 391-25-531 is inapplicable to the bargaining unit affected by the FCCA, and the need for a runoff election shall be determined under WAC 391-25-530(2).

*Explanation: This rule is patterned after WAC 391-25-051, which is the special rule adopted by the Commission for representation elections involving individuals providers under the Home Care Quality Authority (HCQA). In both the HCQA and FCCA situations: (1) a state-wide unit is required; (2) the number of eligible voters is very large; (3) the eligible voters are employed in private residences, so required posting of notices on employer premises cannot be enforced; and (4) multiple languages may be needed for ballot materials. The FCCA further reduces the unique "majority of those eligible" test for runoff elections in RCW 41.56.070 to the conventional "majority of those voting" test. The 24-day period for return of ballots in WAC 391-25-051 is changed to 28 days, because 24 days proved to be tight for turnaround of requests for foreign language ballot materials.*

**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 06-09-023**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 06-76—Filed April 11, 2006, 4:30 p.m., effective April 12, 2006, 6:00 a.m.]

Effective Date of Rule: April 12, 2006, 6:00 a.m.

Purpose: Amend commercial fishing rules.

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

Statutory Authority for Adoption: RCW 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 commercial harvest target of sea cucumbers for 2006 has been taken. There is insufficient time to promulgate permanent rules.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, 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: April 11, 2006.

J. P. Koenings  
Director  
by Larry Peck

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 6:00 a.m. April 12, 2006:

WAC 220-52-07100Z      Sea cucumbers. (06-64)

**WSR 06-09-025**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 06-77—Filed April 12, 2006, 9:49 a.m., effective April 14, 2006, 12:01 a.m.]

Effective Date of Rule: April 14, 2006, 12:01 a.m.

Purpose: Amend personal use fishing rules.

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

Statutory Authority for Adoption: RCW 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: Closes the area below Bonneville Dam. Catch projections result in an impact level that is near the allocated ESA impacts set aside specifically for the fishery in this area. Allocated impacts remain for sport fisheries in the Columbia River above Bonneville Dam. The season is consistent with Washington fish and wildlife commission guidance for 2006-2007. The area above Bonneville Dam remains open and is not expected to exceed ESA guidelines. Rule is consistent with joint state actions of WDFW and ODFW on January 26, 2006, and April 11, 2006.

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

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

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

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

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

Date Adopted: April 11, 2006.

J. P. Koenings  
Director  
by Larry Peck

**NEW SECTION**

**WAC 232-28-61900U Exceptions to statewide rules—Columbia River.** Notwithstanding the provisions of WAC 232-28-619, effective immediately until further notice, in those waters of the Columbia River from Tower Island power lines in Bonneville Pool upstream to McNary Dam, (except for those waters closed under permanent regulations). Salmon, steelhead and shad: Open until further notice. Daily limit 6 salmon of which no more than 2 may be adult salmon. Release all wild Chinook, sockeye and chum. Minimum size

12 inches. Daily limit 2 trout, release wild steelhead. Minimum size 12-inches.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. April 14, 2006:

WAC 232-28-61900H Exceptions to statewide rules—Columbia River. (06-18)

**WSR 06-09-026**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 06-68—Filed April 12, 2006, 3:57 p.m., effective April 29, 2006]

Effective Date of Rule: April 29, 2006.

Purpose: Amend personal use fishing rules.

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

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: This regulation is needed to change the current catch and release rule to allow anglers to harvest hatchery trout from April 29 to July 31. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Date Adopted: April 12, 2006.

Evan Jacoby  
for Jeff Koenings  
Director

#### NEW SECTION

**WAC 232-28-61900P Exceptions to statewide rules—Wapato Lake (Chelan Co.)** Notwithstanding the provisions of WAC 232-28-619, effective April 29 through July 31,

2006 those waters of Wapato Lake are open under statewide game fish rules.

**WSR 06-09-027**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 06-69—Filed April 12, 2006, 3:59 p.m., effective April 12, 2006]

Effective Date of Rule: Immediately.

Purpose: Amend personal fishing rules.

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

Statutory Authority for Adoption: RCW 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: This emergency rule is needed to provide consistent walleye and bass regulations in contiguous waters. Anglers frequently move back and forth between Lake Roosevelt and the lower Spokane River and the lower Colville River. Having inconsistent rules between these waters would be extremely difficult to enforce and confusing to the public. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Date Adopted: April 12, 2006.

Evan Jacoby  
for Jeff Koenings  
Director

#### NEW SECTION

**WAC 232-28-61900Q Exceptions to statewide rules—Spokane and Colville rivers.** Notwithstanding the provisions of WAC 232-28-619:

(1) Spokane River - In those waters of the Spokane River from mouth (SR 25 Bridge) to the upstream boundary of the Plese Flats Day Use Area (Riverside State Park) except waters of Long Lake:

(a) Effective June 1, 2006 until further notice, special daily bag limit of 8 walleye, no minimum size and no more than 1 may be over 22 inches in length.

(b) Effective May 1, 2006 until further notice, special daily bag limit of 10 smallmouth bass, no minimum size and no

more than 1 may be over 14 inches in length.

(2) Colville River - In those waters of the Colville River from mouth to bridge at town of Valley:

(a) Effective May 1, 2006 until further notice, special daily bag limit of 8 walleye, no minimum size and no more than 1 may be over 22 inches in length.

(b) Effective May 1, 2006 until further notice, special daily bag limit of 10 smallmouth bass, no minimum size and no more than 1 may be over 14 inches in length.

**WSR 06-09-028**

**EMERGENCY RULES**

**DEPARTMENT OF**

**FISH AND WILDLIFE**

[Order 06-74—Filed April 12, 2006, 4:00 p.m., effective April 12, 2006]

Effective Date of Rule: Immediately.

Purpose: Amend personal use rules.

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

Statutory Authority for Adoption: RCW 77.12.047.

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 closure of Long's Pond is necessary to allow staff to set nets and stock fish for the April 22, 2006, fishing activities and ensure a successful family fish-in event. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Date Adopted: April 12, 2006.

Evan Jacoby  
for Jeff Koenings  
Director

NEW SECTION

**WAC 232-28-61900S Exceptions to statewide rules—Long's Pond (Thurston Co.)** Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. April 21, through 8:00 a.m. April 22, 2006, it is unlawful to fish in those waters of Long's Pond.

REPEALER

The following section of the Washington Administrative Code is repealed effective 8:00 a.m. April 22, 2006:

WAC 232-28-61900S Exceptions to statewide rules—Long's Pond (Thurston Co.)

**WSR 06-09-034**

**EMERGENCY RULES**

**DEPARTMENT OF**

**FISH AND WILDLIFE**

[Order 06-78—Filed April 13, 2006, 3:43 p.m., effective May 15, 2006, 3:00 p.m.]

Effective Date of Rule: May 15, 2006, 3:00 p.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-03000Z; and amending WAC 220-33-030.

Statutory Authority for Adoption: RCW 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: Opens the Area 2S area shad fishery. Harvestable numbers of shad are expected in 2006. Incidental impacts to nontarget species are small. This rule is consistent with actions of the Columbia River compact hearing of January 26, 2006, and is consistent with requirements of the ESA. There is insufficient time to promulgate permanent regulations.

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

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

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

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

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

Date Adopted: April 13, 2006.

J. P. Koenings  
Director

#### NEW SECTION

**WAC 220-33-03000Z Commercial shad—Columbia River.** Notwithstanding the provisions of WAC 220-33-030, it is unlawful to take, fish for or possess shad taken for commercial purposes except as provided for in this section:

Area: **Area 2S.** True north/south line through Light #50 near the mouth of the Sandy River upstream to the commercial fishing boundary near Beacon Rock.

Dates: Daily, 3:00 p.m. to 10:00 p.m. from:

May 15 - May 19, 2006

May 22 - May 26, 2006

May 30 - June 2, 2006

June 5 - June 9, 2006

June 12 - June 16, 2006

June 19 - June 23, 2006

Gear: Single-wall, unslackened, floater gill net, with breaking strength of less than 10 pounds.

Mesh size: 5 3/8 inches to 6 1/4 inches. The net may not exceed 150 fathoms in length nor 40 meshes in depth.

Allowable Sale: During the fishing periods provided in this section, only shad may be kept and sold. All salmonids, walleye and sturgeon must be immediately returned to the water and those alive must be released unharmed.

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

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 10:01 p.m. June 23, 2006:

WAC 220-33-03000Z Commercial shad—Columbia River.

**WSR 06-09-035  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 06-81—Filed April 13, 2006, 3:44 p.m., effective April 13, 2006]

Effective Date of Rule: Immediately.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. The Port Angeles and Discovery Bay shrimp district closures are necessary as insufficient spot shrimp are available to conduct a fishery. Sufficient numbers of nonspot shrimp are available within the boundaries defined that will provide shrimping opportunity without impacting depressed spot shrimp populations. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Date Adopted: April 13, 2006.

J. P. Koenings  
Director

#### NEW SECTION

**WAC 220-56-32500H Shrimp—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-325:

1) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of the Port Angeles and Discovery Bay Shrimp Districts.

2) Effective 7:00 a.m. June 1, 2006, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of the Discovery Bay Shrimp District, except as provided for in this section:

(a) Open daily for non-spot shrimp fishing, south of a line from Contractors Point to Tukey Point.

(b) Pots can only be tended from one hour before sunrise to one hour after sunset.

(c) It is unlawful to possess spot shrimp and all spot shrimp must immediately be returned to the water unharmed.



**WSR 06-09-036**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 06-82—Filed April 13, 2006, 3:45 p.m., effective April 16, 2006, 6:00 a.m.]

Effective Date of Rule: April 16, 2006, 6:00 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 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 2006 state/tribal Strait of Juan de Fuca shrimp harvest management plan requires adoption of harvest seasons and the prohibition on night time fishing contained in this emergency rule. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Date Adopted: April 13, 2006.

J. P. Koenings  
 Director

NEW SECTION

**WAC 220-52-05100H Puget Sound shrimp beam trawl fishery—Season.** Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp beam trawl gear:

Crustacean Management Region 3 outside of the shrimp districts will open at 6:00 a.m. on April 16, 2006, until further notice.

(2) It is unlawful to set or pull shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(3) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers.

**WSR 06-09-038**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Health and Recovery Services Administration)

[Filed April 13, 2006, 4:28 p.m., effective April 13, 2006]

Effective Date of Rule: Immediately.

Purpose: Section 107 of 2SSB 6793a (chapter 333, Laws of 2006) changes the way hospital beds are allocated to the regional support networks (RSNs) in the state mental health system. Section 404 makes the law effective immediately. The changes to the hospital bed allocation make the existing WAC section erroneous.

Citation of Existing Rules Affected by this Order:  
 Repealing WAC 388-865-0203.

Statutory Authority for Adoption: RCW 71.24.035.

Other Authority: Section 107, chapter 333, Laws of 2006.

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: Section 107 of 2SSB 6793a (chapter 333, Laws of 2006) changes the way hospital beds are allocated to the RSNs in the state mental health system. Section 404 makes the law effective immediately. The rule must be repealed because changes to the hospital bed allocation make the existing WAC section erroneous.

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 1.

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

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

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

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

Date Adopted: April 10, 2006.

Andy Fernando, Manager  
 Rules and Policies Assistance Unit

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-865-0203

Allocation formula for state hospital beds.

**WSR 06-09-043**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 06-83—Filed April 14, 2006, 11:44 a.m., effective April 15, 2006, 9:00 p.m.]

Effective Date of Rule: April 15, 2006, 9:00 p.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600L; and amending WAC 220-52-046.

Statutory Authority for Adoption: RCW 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 extension complies with state/treaty management agreements to allow for opportunity to harvest crab and to meet allocation objectives. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Date Adopted: April 14, 2006.

Evan Jacoby  
for Jeff Koenings  
Director

NEW SECTION

**WAC 220-52-04600N Crab fishery—Seasons and areas.** Notwithstanding the provisions of WAC 220-52-046:

1) Effective April 15, 2006 until April 30, 2006, from one 1/2 before sunrise to one 1/2 hour after sunset each day it is lawful to fish for Dungeness Crab for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Area 20B, that portion of MFSF Catch Reporting Area 21A north and west of a line drawn from the northernmost point on Sinclair Island to Cleo Point located 1.25 nautical miles northwest of Carter Point on Lummi Island (N48° 39'6.02" W122° 37' 58.872"), and that portion of MFSF Catch Reporting Area 20A south of a line that extends from Point Whitehorn due west to the international border.

2) Effective April 15, 2006 until April 19, 2006, it is lawful for crab fishers to remove their gear from the following Marine Fish Shellfish Catch Reporting Areas from one 1/2 hour before sunrise to one 1/2 hour after sunset each day

a) That portion of MFSF Catch Reporting Area 20A north of a line that extends from Point Whitehorn due west to the international border.

b) That portion of MFSF Catch Reporting Area 21A south and east of a line drawn from the northernmost point on Sinclair Island to Cleo Point located 1.25 nautical miles northwest of Carter Point on Lummi Island (N48° 39'6.02" W122° 37' 58.872").

c) 21B, 22B, and 22A.

d) No crab may be retained, landed from or possessed from these areas after 8:00 p.m. April 15, 2006.

REPEALER

The following section of the Washington Administrative Code is repealed effective 8:00 p.m. April 15, 2006:

WAC 220-52-04600L Crab fishery—Seasons and areas. (06-45)

**WSR 06-09-049**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 06-79—Filed April 14, 2006, 3:21 p.m., effective April 29, 2006]

Effective Date of Rule: April 29, 2006.

Purpose: Amend personal use fishing rules.

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

Statutory Authority for Adoption: RCW 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: Allowing the use of motors in Swift Reservoir and Walupt Lake was omitted from the permanent rule filing. These are large lakes where motors are required for anglers to be effective in harvesting hatchery trout. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Date Adopted: April 14, 2006.

J. P. Koenings  
Director

#### NEW SECTION

**WAC 232-28-61900V Exceptions to statewide rules—Swift Reservoir and Walupt Lake.** Notwithstanding the provisions of WAC 232-28-619, effective April 29, 2006 until further notice, in those waters of Swift Reservoir and Walupt Lake, selective gear rules in effect, except motors allowed.

**WSR 06-09-050**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 06-71—Filed April 14, 2006, 3:22 p.m., effective April 29, 2006]

Effective Date of Rule: April 29, 2006.

Purpose: Amend personal use fishing rules.

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

Statutory Authority for Adoption: RCW 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: An embankment at the power canal collapsed on April 21, 2002, and the fishery had to be closed. The necessary repairs and reconstruction have just been completed and the canal can be reopened to fishing. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 17 [14], 2006.

J. P. Koenings  
Director

#### NEW SECTION

**WAC 232-28-61900R Exceptions to statewide rules—Lewis River (Swift Power Canal).** Notwithstanding the provisions of WAC 232-28-619, effective April 29 through August 13, 2006, it is lawful to fish in those waters of the Swift Power Canal from the fishing pier upstream to access road at Swift Dam. Waters downstream of the fishing pier and upstream of the access road at Swift Dam remain closed. Statewide gamefish rules apply.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 14, 2006:

WAC 232-28-61900R	Exceptions to statewide rules—Lewis River (Swift Power Canal).
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**WSR 06-09-052**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 06-84—Filed April 14, 2006, 4:15 p.m., effective April 19, 2006, 8:00 a.m.]

Effective Date of Rule: April 19, 2006, 8:00 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600M; and amending WAC 220-52-046.

Statutory Authority for Adoption: RCW 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: Negotiated season provide for this increased area of harvest opportunity. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Date Adopted: April 14, 2006.

J. P. Koenings  
Director

NEW SECTION

**WAC 220-52-04600P Coastal crab seasons.** Notwithstanding the provisions of WAC 220-52-046, effective immediately until further notice, it is unlawful for commercial fishers to fish for or take crab for commercial purposes, or place gear, in the following areas during the periods indicated:

**Quinault:**

Effective 8:00 a.m. April 19, 2006 it is unlawful for any person or vessel that is designated on a Coastal Dungeness Crab License to deploy, maintain, operate, or control more than 100 pots per license within the following area, except as otherwise prohibited (see below), defined by the following coordinates:

- Northeast Corner (Raft River): 47°28.00 N - 124°20.70 W
- Northwest Corner: 47°28.00 N - 124°33.00 W
- Southwest Corner: 47°08.00 N - 124°23.50 W
- Southeast Corner (Copalis River): 47°08.00 N - 124°11.20 W

Prior to any person deploying crab pots within this area, the license holder must register with the Department of Fish and Wildlife.

Within the area defined above, it is unlawful for any person to fish for Dungeness crab in the area described as the area shoreward of the 20-fathom depth curve from the Quinault River to the Copalis River as defined by the following coordinates:

- Northeast Corner (Quinault River): 47°21.00 N - 124°18.00 W
- Northwest Corner: 47°21.00 N - 124°27.00 W
- Southwest Corner: 47°08.00 N - 124°19.00 W
- Southeast Corner: (Copalis River): 47°08.00 N - 124°11.20 W

**Quileute:**

Closed until 8:00 a.m. May 1, 2006. Effective 8:00 a.m. May 1 through 7:59 a.m. June 1, 2006 it is unlawful for any

person or vessel that is designated on a Coastal Dungeness Crab license to deploy, maintain, operate, or control more than 100 pots per license within the area described as the area shoreward of a line approximating the 30-fathom depth curve between Destruction Island and Cape Johnson defined by the following coordinates:

- Northeast Corner (Cape Johnson): 47°58.00 N - 124°40.40 W
- Northwest Corner: 47°58.00 N - 124°49.00 W
- Southwest Corner: 47°40.50 N - 124°40.50 W
- Southeast Corner (Destruction Island): 47°40.50 N - 124°24.43 W

REPEALER

The following section of the Washington Administrative Code is repealed effective 8:00 a.m. April 19, 2006:

WAC 220-52-04600M Coastal crab seasons. (Order 06-51)

**WSR 06-09-053  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 06-75—Filed April 14, 2006, 4:16 p.m., effective May 1, 2006]

Effective Date of Rule: May 1, 2006.

Purpose: Amend personal use fishing rules.

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

Statutory Authority for Adoption: RCW 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: Broodstock sturgeon staging just downstream from John Day Dam to spawn require increased protection from adverse impacts resulting from excess handling in the recreational fishery, including stress induced reproductive failure and mortality. The current assessment of the white sturgeon population in The Dalles Pool identified a substantial reduction in the number of legal-size fish. The need for the sanctuary was discussed with tribal comanagers in February. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Date Adopted: April 14, 2006.

J. P. Koenings  
Director

NEW SECTION

**WAC 232-28-61900T Exceptions to statewide rules—Columbia River sturgeon.** Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. May 1 through July 31, 2006, it is unlawful to fish for or possess sturgeon in those waters of the Columbia River upstream from a line crossing the Columbia at a right angle to the thread of the river from the west end of the grain silo at Rufus, Oregon to the John Day Dam.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 1, 2006:

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