

WSR 06-13-001
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 06-129—Filed June 7, 2006, 4:07 p.m., effective June 7, 2006]

Effective Date of Rule: Immediately.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 232-28-62000F; and amending WAC 232-28-620.

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 portion of Area 4 east of Sail Rock was inadvertently left open under the previous emergency regulation for one day, June 30. The intent of the pre-season plan was to not open this area for salmon until August 1, 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: June 7, 2006.

J. P. Koenings
 Director
 by Larry Peck

NEW SECTION

WAC 232-28-62000G Coastal salmon seasons—2006 North of Falcon. Notwithstanding the provisions of WAC 232-28-620, effective immediately until further notice, it is unlawful to fish for salmon in coastal waters except as provided in this section, provided that unless otherwise amended all permanent rules remain in effect:

(1) Area 1 - Open July 3 until further notice, open Sunday through Thursday of each week, daily limit 2 salmon, not more than 1 of which may be a chinook, except release wild coho.

(2) Areas 2, 2-1, and 2-2:

(a) Area 2 - Open July 3 until further notice, open Sunday through Thursday of each week, daily limit 2 salmon, not

more than 1 of which may be a chinook, except release wild coho.

(b) Area 2-1 - Open July 3 through July 31, open Sunday through Thursday of each week, daily limit 2 salmon, not more than 1 of which may be a chinook, except release wild coho. Open August 1 through August 15, daily limit 6 salmon, not more than two of which may be adult salmon. Open August 16 until further notice, daily limit 6 salmon, not more than three of which may be adult salmon, of which only 2 may be chinook.

(c) Area 2-2 west of the Buoy 13 line:

(i) Open July 3 through July 31, open Sunday through Thursday of each week, daily limit 2 salmon, not more than 1 of which may be a chinook, except release wild coho.

(ii) Closed August 1 until further notice.

(d) Those waters within a line from the lighthouse 1 mile south of the south jetty to Buoy No. 2, then to Buoy No. 3, then to the tip of the north jetty then to the exposed end of the south jetty are closed August 1 until further notice.

(3) Area 3 - Open June 30 until further notice, open Tuesday through Saturday of each week, Daily limit 2 salmon, not more than one of which may be a chinook, except release wild coho.

(4) Area 4:

(a) Open June 30 until further notice with the following area rules, limits, and species restrictions, open Tuesday through Saturday of each week, daily limit 2 salmon not more than one of which may be a chinook, except release wild coho.

(i) Effective June 30 through July 31 closed to salmon angling east of a true north/south line through Sail Rock.

(ii) Effective beginning August 1, release chinook east of the Bonilla-Tatoosh Line.

(iii) Effective beginning August 1, release chum.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-62000F	Coastal salmon seasons— 2006 North of Falcon. (06-85)
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WSR 06-13-002
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 06-128—Filed June 7, 2006, 4:08 p.m., effective June 10, 2006, 12:01 a.m.]

Effective Date of Rule: June 10, 2006, 12:01 a.m.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900K; 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: Regulations stipulate that only juveniles under the age of fifteen may fish in Mill Pond. In order to hold the fishing derby and for citizens sixty-two years of age and older to legally fish Mill Pond this regulation is necessary. 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: June 7, 2006.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 232-28-61900K Exceptions to statewide rules—Mill Pond (King Co.) Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. through 11:59 p.m. June 10, 2006, it is lawful for persons 62 years of age and older to fish in the waters of Mill Pond.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. June 11, 2006:

WAC 232-28-61900K Exceptions to statewide rules—Mill Pond (King Co.)

**WSR 06-13-003
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 06-130—Filed June 7, 2006, 4:40 p.m., effective June 14, 2006, 9:00 p.m.]

Effective Date of Rule: June 14, 2006, 9:00 p.m.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500N; and 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 state recreational share of spot shrimp has been taken in the southern portion of Marine Area 7. 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: June 7, 2006.

J. P. Koenings
Director

NEW SECTION

WAC 220-56-32500P 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 Marine Area 7, except as provided for in this section.

(a) Marine Area 7 south of a line from Biz Point on Fidalgo Island to Cape Saint Mary on Lopez Island, then south of a line from Davis Point on Lopez Island to Cattle Point on San Juan Island, then south of a line due west from Lime Kiln Point light to the international boundary is closed to the harvest of all shrimp species.

(b) Marine Area 7 north of a line from Biz Point on Fidalgo Island to Cape Saint Mary on Lopez Island, then north of a line from Davis Point to Cattle Point on San Juan Island, then north of a line due west from Lime Kiln Point light to the international boundary:

a. Open to the harvest of all shrimp species except Spot shrimp. It is unlawful to possess Spot shrimp, and all Spot shrimp must immediately be returned to the water immediately unharmed.

b. It is unlawful to set or pull shrimp gear in waters greater than 200 feet deep.

2) Effective immediately until further notice, all waters equal to or less than 150 feet in depth in Marine Areas 8-1, 8-

2, 9 (excluding the Port Townsend Shrimp District), and Marine Area 11 are open daily to the harvest of all shrimp species except Spot shrimp. All Spot shrimp caught must be returned to the water immediately. It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

3) Effective immediately, until further notice, all waters south of a line from Tukey Point to Contractors Point in the Discovery Bay Shrimp District are open, on a daily basis, to the harvest of all shrimp species except Spot shrimp. All Spot shrimp caught must be returned to the water immediately.

4) Effective immediately, until further notice, all waters south of a line from Walan Point to Kala Point in the Port Townsend Bay Shrimp District are open, on a daily basis, to the harvest of all shrimp species except Spot shrimp. All Spot shrimp caught must be returned to the water immediately.

REPEALER

The following section of the Washington Administrative Code is repealed effective 9:00 p.m. June 14, 2006:

WAC 220-56-32500N Shrimp—Areas and season
(06-124)

WSR 06-13-004
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 06-131—Filed June 7, 2006, 4:41 p.m., effective June 8, 2006, 6:00 a.m.]

Effective Date of Rule: June 8, 2006, 6:00 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100V; and amending WAC 220-32-051.

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: Allows the sale of fish caught in platform and hook and line fishery in Zone 6 to be sold. Harvestable numbers of salmon are available under the guideline of 8%. Allows the sale of fish caught in Yakama Nation tributary fisheries to be sold when those tributaries are open under Yakama Nation rules. The fishery catches are expected to remain within the allocation and guidelines of the 2005-2007 management agreement. Rule is consistent with action of the Columbia River compact on June 7, 2006. Conforms state rules with tribal rules. 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: June 7, 2006.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-32-05100V Columbia River salmon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon, steelhead, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, and the Wind River, White Salmon River, Klickitat River, and Drano Lake except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, shad, carp, or sturgeon under the following provisions, pursuant to lawfully enacted tribal rules:

1. Open Periods: 6:00 a.m. June 8 to 6:00 p.m. July 31, 2006

a) Open Areas: SMCRA 1F, 1G, 1H,

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line.

Open Periods: 6:00 a.m. June 8 to 6:00 p.m. July 31, 2006 only during those days and hours when those tributaries are open under lawfully enacted Yakama Nation tribal subsistence fisheries, for enrolled Yakama Nation members.

a) Open Areas: Klickitat River, Drano Lake, Wind River, and White Salmon

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line. Gill nets may be used in Drano Lake.

2) Allowable sale includes: salmon, steelhead, walleye, shad, and carp. Sockeye may be retained but not sold. Sturgeon between 45 inches and 60 inches in length may be retained in the Bonneville Pool (SMCRA 1F) for subsistence purposes only. Sturgeon between 4 feet and 5 feet in length may be retained in The Dalles and John Day pools (SMCRA 1G, 1H) for subsistence purposes only. Fish may also be sold from Washington tributaries during the open Yakama Nation fishing periods within those areas, as described above.

3) Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

5) There will be no sanctuary in effect at Spring Creek National Fish Hatchery.

6) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

a) Hood River are those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles down river from the west bank at the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

b) Herman Creek are those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

c) Deschutes River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

d) Umatilla River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

e) Big White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

f) Wind River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

g) Klickitat River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 miles downstream from the west bank.

h) Little White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upstream from the eastern shoreline.

7) Notwithstanding the provisions of WAC 220-22-010, during the open periods described above:

a. Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of the Gods, and downstream from the west end of the 3 Mile Rapids located approximately 1.8 miles below the Dalles Dam.

b. Area 1G includes those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 miles above The Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in mid-river, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy Light below John Day Dam.

c. Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately 1/2 mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in mid-river, then downstream to a fishing boundary marker on the Wash-

ington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. July 31, 2006:

WAC 220-32-05100V Columbia River salmon seasons above Bonneville Dam.

WSR 06-13-007
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 06-132—Filed June 8, 2006, 4:15 p.m., effective June 27, 2006, 7:00 a.m.]

Effective Date of Rule: June 27, 2006, 7:00 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04000W and 220-52-04600Q; and amending WAC 220-52-040 and 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: The division of shellfish management and catch reporting Area 26A is necessary to meet state and tribal commercial harvest allocation plans. The limited commercial fishery in these marine fish shellfish management and catch reporting areas are to take advantage of harvest opportunity and to maintain commercial harvest allocation plans. 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 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: June 8, 2006.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-52-04000W Commercial crab fishery—Exceptions to permanent rules for pot limits. Notwithstanding the provisions of WAC 220-52-040, effective 7:00 a.m. June 27, 2006 through 7:00 p.m. June 28, 2006 it is unlawful for any person to fish for crabs for commercial purposes with more than 30 pots per license, per buoy tag number in all waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C and 26A-E.

NEW SECTION

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

(1) Effective 7:00 a.m. June 27 through 7:00 p.m. June 28, 2006, it is lawful to fish for Dungeness Crab for commercial purposes in Marine Fish Shellfish Catch Areas 24A, 24B, 24C and 26A-E.

(2) All other provisions of WAC 220-52-046 remain in effect.

REPEALER

The following sections of the Washington Administrative Code are repealed effective 7:01 p.m. June 28, 2006:

WAC 220-52-04000W Commercial crab fishery—Exceptions to permanent rules for pot limits.

WAC 220-52-04600Q Crab fishery—Seasons and areas.

**WSR 06-13-020
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 06-133—Filed June 12, 2006, 4:25 p.m., effective June 14, 2006]

Effective Date of Rule: June 14, 2006.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900D.

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: Most of the spring chinook broodstock trapped to date at the Leavenworth National Fish Hatchery were stolen on the night of June 9, 2006. Conse-

quently, additional fish must be trapped to replace those stolen. Because this year's run is small the Washington department of fish and wildlife is closing the sport-fishing season to allow the hatchery adequate opportunity to capture the 1,000 fish they need for broodstock. 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: June 12, 2006.

J. P. Koenings
Director

REPEALER

The following section of the Washington Administrative Code is repealed effective June 14, 2006:

WAC 232-28-61900D Exceptions to statewide rules—Icicle River. (06-110)

**WSR 06-13-027
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
(Aging and Disability Services Administration)
[Filed June 13, 2006, 4:24 p.m., effective July 1, 2006]

Effective Date of Rule: July 1, 2006.

Purpose: To implement: (1) Chapter 372, Laws of 2006 (ESSB 6386) the vendor rate increase (VRI) for Medicaid rates that are used to pay adult family homes (AFH) and boarding homes with assisted living (AL), adult residential care (ADR) and enhanced adult residential care (EARC) contracts; (2) the VRI for the bed hold rate for the eighth to twentieth day; and (3) chapter 260, Laws of 2006 (ESHB 2925) by amending and deleting sections of WAC 388-105-0035 Requirements for a capital add-on rate for licensed boarding homes contracted to provide assisted living (AL) services.

Citation of Existing Rules Affected by this Order: Amending WAC 388-105-0005, 388-105-0035, and 388-105-0045.

Statutory Authority for Adoption: Chapter 74.39A RCW.

Other Authority: Chapter 372, Laws of 2006; chapter 260, 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: These rules are needed to implement the legislature's intent in ESSB 6386, section 206, subsection (21) and (22) that makes the VRI effective July 1, 2006, and ESHB 2925 about the capital rate add-on that has an effective date of July 1, 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 3, Repealed 0.

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

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

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

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

Date Adopted: June 13, 2006.

Andy Fernando, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 06-07-013, filed 3/3/06, effective 4/3/06)

WAC 388-105-0005 The daily Medicaid payment rates for clients assessed using the comprehensive assessment reporting evaluation (CARE) tool and that reside in adult family homes (AFH) and boarding homes contracted to provide assisted living (AL), adult residential care (ARC), and enhanced adult residential care (EARC) services. For contracted AFH and boarding homes contracted to provide AL, ARC, and EARC services, the department pays the following daily rates for care of a Medicaid resident:

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE					
KING COUNTY					
			ARC	EARC	AFH
CARE CLASSIFICATION	AL Without Capital Add-on	AL With Capital Add-on			
A Low (1)	\$((64.02)) <u>65.30</u>	\$((69.03)) <u>70.41</u>	\$((45.27)) <u>46.18</u>	\$((45.27)) <u>46.18</u>	\$((45.90)) <u>46.82</u>
A Med (2)	\$((69.32)) <u>70.71</u>	\$((74.33)) <u>75.82</u>	\$((51.37)) <u>52.40</u>	\$((51.37)) <u>52.40</u>	\$((52.09)) <u>53.13</u>
A High (3)	\$((77.78)) <u>79.34</u>	\$((82.78)) <u>84.45</u>	\$((65.61)) <u>66.92</u>	\$((65.61)) <u>66.92</u>	\$((58.28)) <u>59.45</u>
B Low (4)	\$((64.02)) <u>65.30</u>	\$((69.03)) <u>70.41</u>	\$((45.27)) <u>46.18</u>	\$((45.27)) <u>46.18</u>	\$((45.90)) <u>46.82</u>
B Med (5)	\$((71.44)) <u>72.87</u>	\$((76.45)) <u>77.98</u>	\$((57.47)) <u>58.62</u>	\$((57.47)) <u>58.62</u>	\$((58.28)) <u>59.45</u>
B High (6)	\$((85.18)) <u>86.88</u>	\$((90.19)) <u>91.99</u>	\$((73.75)) <u>75.23</u>	\$((73.75)) <u>75.23</u>	\$((66.52)) <u>67.85</u>
C Low (7)	\$((69.32)) <u>70.71</u>	\$((74.33)) <u>75.82</u>	\$((51.37)) <u>52.40</u>	\$((51.37)) <u>52.40</u>	\$((52.09)) <u>53.13</u>
C Med (8)	\$((77.78)) <u>79.34</u>	\$((82.78)) <u>84.45</u>	\$((65.61)) <u>66.92</u>	\$((65.61)) <u>66.92</u>	\$((66.52)) <u>67.85</u>
C High (9)	\$((96.83)) <u>98.77</u>	\$((101.84)) <u>103.88</u>	\$((85.96)) <u>87.68</u>	\$((85.96)) <u>87.68</u>	\$((87.15)) <u>88.89</u>
D Low (10)	\$((71.44)) <u>72.87</u>	\$((76.45)) <u>77.98</u>	\$((57.47)) <u>58.62</u>	\$((57.47)) <u>58.62</u>	\$((66.52)) <u>67.85</u>
D Med (11)	\$((77.78)) <u>79.34</u>	\$((82.78)) <u>84.45</u>	\$((65.61)) <u>66.92</u>	\$((65.61)) <u>66.92</u>	\$((74.78)) <u>76.28</u>
D High (12)	\$((96.83)) <u>98.77</u>	\$((101.84)) <u>103.88</u>	\$((85.96)) <u>87.68</u>	\$((85.96)) <u>87.68</u>	\$((87.15)) <u>88.89</u>

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE METROPOLITAN COUNTIES*					
CARE CLASSIFICATION	AL		ARC	EARC	AFH
	Without Capital	With Capital			
	Add-on	Add-on			
A Low (1)	\$((58.73)) <u>59.90</u>	\$((63.28)) <u>64.54</u>	\$((45.27)) <u>46.18</u>	\$((45.27)) <u>46.18</u>	\$((45.90)) <u>46.82</u>
A Med (2)	\$((61.91)) <u>63.15</u>	\$((66.45)) <u>67.79</u>	\$((49.33)) <u>50.32</u>	\$((49.33)) <u>50.32</u>	\$((50.03)) <u>51.03</u>
A High (3)	\$((75.67)) <u>77.18</u>	\$((80.22)) <u>81.82</u>	\$((62.56)) <u>63.81</u>	\$((62.56)) <u>63.81</u>	\$((55.18)) <u>56.28</u>
B Low (4)	\$((58.73)) <u>59.90</u>	\$((63.28)) <u>64.54</u>	\$((45.27)) <u>46.18</u>	\$((45.27)) <u>46.18</u>	\$((45.90)) <u>46.82</u>
B Med (5)	\$((67.20)) <u>68.54</u>	\$((71.75)) <u>73.18</u>	\$((54.42)) <u>55.51</u>	\$((54.42)) <u>55.51</u>	\$((55.18)) <u>56.28</u>
B High (6)	\$((83.07)) <u>84.73</u>	\$((87.62)) <u>89.37</u>	\$((69.69)) <u>71.08</u>	\$((69.69)) <u>71.08</u>	\$((63.43)) <u>64.70</u>
C Low (7)	\$((61.91)) <u>63.15</u>	\$((66.45)) <u>67.79</u>	\$((49.33)) <u>50.32</u>	\$((49.33)) <u>50.32</u>	\$((50.03)) <u>51.03</u>
C Med (8)	\$((75.67)) <u>77.18</u>	\$((80.22)) <u>81.82</u>	\$((62.56)) <u>63.81</u>	\$((62.56)) <u>63.81</u>	\$((63.43)) <u>64.70</u>
C High (9)	\$((93.65)) <u>95.52</u>	\$((98.20)) <u>100.16</u>	\$((79.85)) <u>81.45</u>	\$((79.85)) <u>81.45</u>	\$((80.97)) <u>82.59</u>
D Low (10)	\$((67.20)) <u>68.54</u>	\$((71.75)) <u>73.18</u>	\$((54.42)) <u>55.51</u>	\$((54.42)) <u>55.51</u>	\$((63.43)) <u>64.70</u>
D Med (11)	\$((75.67)) <u>77.18</u>	\$((80.22)) <u>81.82</u>	\$((62.56)) <u>63.81</u>	\$((62.56)) <u>63.81</u>	\$((70.65)) <u>72.06</u>
D High (12)	\$((93.65)) <u>95.52</u>	\$((98.20)) <u>100.16</u>	\$((79.85)) <u>81.45</u>	\$((79.85)) <u>81.45</u>	\$((80.97)) <u>82.59</u>

*Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima counties.

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE NON-METROPOLITAN COUNTIES**					
CARE CLASSIFICATION	AL		ARC	EARC	AFH
	Without Capital	With Capital			
	Add-on	Add-on			
A Low (1)	\$((57.68)) <u>58.83</u>	\$((62.52)) <u>63.77</u>	\$((45.27)) <u>46.18</u>	\$((45.27)) <u>46.18</u>	\$((45.90)) <u>46.82</u>
A Med (2)	\$((61.91)) <u>63.15</u>	\$((66.75)) <u>68.09</u>	\$((48.32)) <u>49.29</u>	\$((48.32)) <u>49.29</u>	\$((49.00)) <u>49.98</u>
A High (3)	\$((75.67)) <u>77.18</u>	\$((80.51)) <u>82.12</u>	\$((61.55)) <u>62.78</u>	\$((61.55)) <u>62.78</u>	\$((54.15)) <u>55.24</u>
B Low (4)	\$((57.68)) <u>58.83</u>	\$((62.52)) <u>63.77</u>	\$((45.27)) <u>46.18</u>	\$((45.27)) <u>46.18</u>	\$((45.90)) <u>46.82</u>
B Med (5)	\$((67.20)) <u>68.54</u>	\$((72.04)) <u>73.48</u>	\$((53.41)) <u>54.48</u>	\$((53.41)) <u>54.48</u>	\$((54.16)) <u>55.24</u>
B High (6)	\$((83.07)) <u>84.73</u>	\$((87.91)) <u>89.67</u>	\$((67.65)) <u>69.00</u>	\$((67.65)) <u>69.00</u>	\$((62.41)) <u>63.66</u>

C Low (7)	\$((61.91)) <u>63.15</u>	\$((66.75)) <u>68.09</u>	\$((48.32)) <u>49.29</u>	\$((48.32)) <u>49.29</u>	\$((49.00)) <u>49.98</u>
C Med (8)	\$((75.67)) <u>77.18</u>	\$((80.51)) <u>82.12</u>	\$((61.55)) <u>62.78</u>	\$((61.55)) <u>62.78</u>	\$((62.41)) <u>63.66</u>
C High (9)	\$((93.65)) <u>95.52</u>	\$((98.49)) <u>100.46</u>	\$((76.80)) <u>78.34</u>	\$((76.80)) <u>78.34</u>	\$((77.88)) <u>79.44</u>
D Low (10)	\$((67.20)) <u>68.54</u>	\$((72.04)) <u>73.48</u>	\$((53.41)) <u>54.48</u>	\$((53.41)) <u>54.48</u>	\$((62.41)) <u>63.66</u>
D Med (11)	\$((75.67)) <u>77.18</u>	\$((80.51)) <u>82.12</u>	\$((61.55)) <u>62.78</u>	\$((61.55)) <u>62.78</u>	\$((68.59)) <u>69.96</u>
D High (12)	\$((93.65)) <u>95.52</u>	\$((98.49)) <u>100.46</u>	\$((76.80)) <u>78.34</u>	\$((76.80)) <u>78.34</u>	\$((77.88)) <u>79.44</u>

** Non-Metropolitan Counties: Adams, Asotin, Chelan, Clallam, Columbia, Cowlitz, Douglas, Ferry, Garfield, Grant, Grays Harbor, Jefferson, Kittitas, Klickitat, Lewis, Lincoln, Mason, Okanogan, Pacific, Pend Orielle, San Juan, Skagit, Skamania, Stevens, Wahkiakum, Walla Walla and Whitman.

AMENDATORY SECTION (Amending WSR 06-07-012, filed 3/3/06, effective 4/3/06)

WAC 388-105-0035 Requirements for a capital add-on rate for licensed boarding homes contracted to provide assisted living (AL) services. (1)((a)) To the extent ((of available funding)) funds are appropriated to pay a capital add-on rate to AL contractors, beginning July 1, 2006 and every July 1 thereafter, the department will ((grant)) pay a capital add-on rate to AL contractors that have a Medicaid occupancy percentage that equals or exceeds ((the applicable biyearly Medicaid minimum occupancy percentage set)) sixty percent as determined in accordance with subsection (2) and (3) of this section ((and meet the construction requirements in subsection (4) of this section)). The department will pay the capital add-on rate to those AL contractors meeting the sixty percent Medicaid occupancy percentage for a full fiscal year i.e., July 1 through June 30.

(2) The department will determine an AL contractor's Medicaid occupancy percentage by dividing its Medicaid resident days from the last six months of the calendar year preceding the applicable July 1 effective date by the product of all its licensed boarding home beds irrespective of use times the calendar days for the same six-month period ((beginning one year prior to the percentage effective date)).

(3)((a) To set the biyearly Medicaid minimum occupancy percentage, the department will:

(i) Determine the estimated total budgeted funds for capital add-on rates for the six-month period;

(ii) Rank from highest to lowest the individual AL contractor occupancy percentages determined in accordance with subsection (2) of this section;

(iii) Assign, beginning with the highest AL contractor's Medicaid occupancy percentage, the estimated expenditure needed to pay the capital add-on rate to each facility for the six-month period;

(iv) Identify the AL contractor's Medicaid occupancy percentage at which the estimated total budgeted funds determined under subsection (3)(a)(i) of this section would be expended; and

(v) Set that Medicaid occupancy percentage as the biyearly Medicaid minimum occupancy percentage.

(b) The biyearly Medicaid minimum occupancy percentage will be set every January 1 and July 1.

(4) To receive a capital add-on rate, the AL contractor that meets the Medicaid minimum occupancy percentage established in accordance with subsection (2) and (3) of this section must:

(a) Attest in writing that it has units that meet the following requirements and that it places Medicaid residents in such units, ~~except the contractor need only place the Medicaid resident in a room with a roll-in shower when the resident's service plan and assessment details require the Medicaid resident to have a roll-in shower:~~

(i) A private apartment-like unit of two hundred and twenty square feet that may include counters, closets and built-ins, but must exclude the bathroom;

(ii) A separate private bathroom that includes a sink, toilet, and a shower or bathtub. The licensed boarding home must have a minimum of one wheelchair accessible bathroom with a roll-in shower of at least forty-eight inches by thirty inches for every two residents whose care is partially or fully funded by Medicaid;

(iii) A lockable entry door;

(iv) A kitchen area equipped with a refrigerator, microwave oven or stove top; a counter surface of a minimum of thirty inches wide by twenty-four inches in depth, a maximum height of thirty-four inches, and a knee space beneath at least twenty-seven inches in height; a storage space for utensils and supplies; and

(v) A living area wired for telephone and television service when available in the geographic location; or

(b) When the AL contractor does not have units that meet the requirements of subsection (4)(a) of this section, then the AL contractor may receive a capital add-on rate when its AL facility meets the definition of "new boarding home" in WAC 388-110-140(2)(a) or its AL facility is "grandfathered" under WAC 388-110-140(3)) For the purposes of this section, Medicaid resident days include those clients enrolled in Medicaid managed long-term care programs, including but not limited to the program for all inclusive care (PACE) and Medicaid/Medicare integration project (MMIP).

AMENDATORY SECTION (Amending WSR 06-07-013, filed 3/3/06, effective 4/3/06)

WAC 388-105-0045 Bed or unit hold Medicaid resident discharged for a hospital or nursing home stay from an adult family home (AFH) or a boarding home with an adult residential care services (ARC), enhanced adult residential care services (EARC), or assisted living services (AL) contract. (1) When an AFH, ARC, EARC, or AL contracts to provide services under chapter 74.39A RCW, the AFH, ARC, EARC, and AL contractor must hold a Medicaid eligible resident's bed or unit when:

(a) Short-term care is needed in a nursing home or hospital;

(b) The resident is likely to return to the AFH, ARC, EARC, or AL; and

(c) Payment is made under subsection (3) of this section.

(2)(a) When the department pays the contractor to hold the Medicaid resident's bed or unit during the resident's short-term nursing home or hospital stay, the contractor must hold the unit or bed for up to twenty days.

(b) A Medicaid resident's discharge from an AFH, ARC, EARC, or an AL facility for a short term stay in a nursing home or hospital must be longer than twenty-four hours before subsection (3) of WAC 388-105-0045 applies.

(3) The department will compensate the contractor for holding the bed or unit for the:

(a) First through seventh day at seventy percent of the medicaid daily rate paid for care of the resident before the hospital or nursing home stay; and

(b) Eighth through the twentieth day, at ~~((ten))~~ eleven dollars ~~((and seventy-eight cents))~~ a day.

(4) The AFH, ARC, EARC, or AL facility may seek third-party payment to hold a bed or unit for twenty-one days or longer. The third-party payment shall not exceed the Medicaid daily rate paid to the facility for the resident. If third-party payment is not available and the returning Medicaid resident continues to meet the admission criteria under chapter 388-71 and/or 388-106 WAC, then the Medicaid resident may return to the first available and appropriate bed or unit.

(5) The department's social worker or case manager determines whether the:

(a) Stay in a nursing home or hospital will be short-term; and

(b) Resident is likely to return to the AFH, ARC, EARC, or AL facility.

(6) When the resident's stay in the hospital or nursing home exceeds twenty days or the department's social worker or case manager determines that the Medicaid resident's stay in the nursing home or hospital is not short-term and the resident is unlikely to return to the AFH, ARC, EARC, or AL facility, then only subsection (4) of this section applies to any private contractual arrangements that the contractor may make with a third party in regard to the discharged resident's unit or bed.

**WSR 06-13-029
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 06-136—Filed June 13, 2006, 4:43 p.m., effective June 14, 2006, 8:00 a.m.]

Effective Date of Rule: June 14, 2006, 8:00 a.m.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 232-28-61900L; 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 regulation is needed to close Gilchrist Pond to eliminate premature harvest of catchable trout dedicated to the "Fishing Kids" 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: June 13, 2006.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 232-28-61900L Exceptions to statewide rules—Gilchrist Pond (Whitman Co.) Notwithstanding the provisions of WAC 232-28-619, effective 8:00 a.m. June 14 through 9:00 a.m. June 17, 2006 it is unlawful to fish in those waters of Gilchrist Pond.

REPEALER

The following section of the Washington Administrative Code is repealed effective 9:00 a.m. June 17, 2006:

WAC 232-28-61900L Exceptions to statewide rules—Gilchrist Pond (Whitman Co.)

WSR 06-13-033
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 06-137—Filed June 14, 2006, 2:48 p.m., effective June 15, 2006,
 12:01 a.m.]

Effective Date of Rule: June 15, 2006, 12:01 a.m.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-52-05100J; and 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 Puget Sound shrimp harvest management plans requires adoption of harvest seasons contained in this emergency rule. Commercial spot shrimp quotas are available in the areas opened under this 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; and 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: June 14, 2006.

Evan Jacoby
 for Jeff Koenings
 Director

NEW SECTION

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

(1) Shrimp pot gear:

(a) All waters of Shrimp Management Areas 1A, 1C, Crustacean Management Regions 2, 3, 4 and 6 outside the shrimp districts are open to the harvest of all shrimp species immediately until further notice, except as provided for in this section:

i) It is unlawful to harvest shrimp for commercial purposes in Marine Fish/Shellfish Management and Catch Reporting Areas 26D and 23A-C.

ii) Marine Fish/Shellfish Management and Catch Reporting Area 25D (Port Townsend Bay) is open to the harvest of shrimp species other than spot shrimp, except those waters south of the 48.06' North latitude line, north of the 48.04' North latitude line and east of the 122.46' west longitude line are closed.

(b) The shrimp trip limit accounting week is Monday through Sunday.

(c) Effective immediately, until 11:59 p.m. June 18, 2006, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 300 pounds, or to exceed 150 pounds from Crustacean Management Regions 2, 4 and 6.

(d) Effective 12:01 a.m. June 19, 2006, until further notice, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Regions 2, 4 and 6, except, any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Area 29, shall not be subject to the weekly spot shrimp trip limit for that week. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks

(e) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) The number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(f) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Management and Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Management and Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(e) above.

(2) Shrimp beam trawl gear:

(a) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 22A within Shrimp Management Area 1B is open immediately, until further notice

(b) Shrimp Management Area 3 outside of the shrimp districts is open immediately until further notice.

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

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. June 15, 2006:

WAC 220-52-05100J Puget Sound shrimp beam trawl fishery—Season (06-103)

**WSR 06-13-038
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 06-139—Filed June 15, 2006, 3:58 p.m., effective June 16, 2006]

Effective Date of Rule: June 16, 2006.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900A.

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 necessary to return fishery back to permanent rules on June 16, 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 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: June 15, 2006.

Evan Jacoby
for Jeff Koenings
Director

REPEALER

The following section of the Washington Administrative Code is repealed effective June 16, 2006:

WAC 232-28-61900A Exceptions to statewide rules—Columbia River. (06-104)

**WSR 06-13-039
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 06-141—Filed June 15, 2006, 3:59 p.m., effective June 26, 2006, 7:00 p.m.]

Effective Date of Rule: June 26, 2006, 7:00 p.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000K; 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 the initial commercial fishing periods for the summer season. Harvestable upper Columbia summer chinook and sturgeon are available. Season is consistent with the 2005-2007 interim management agreement and the 2003-2005 sturgeon fishery management plan. Regulation is consistent with compact action of January 26, 2006, and June 15, 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: June 15, 2006.

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-33-01000K Columbia River season below Bonneville. Notwithstanding the provision of WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections.

AREA: SMCRA 1A, 1B, 1C, 1D, and 1E

SEASON: 7:00 p.m. Monday June 26 to 5:00 a.m. Tuesday June 27, 2006

7:00 p.m. Wednesday July 5 to 5:00 a.m. Thursday July 6, 2006

GEAR: 8-inch minimum mesh and 9-3/4 inch maximum mesh.

ALLOWABLE SALE: Chinook, coho, shad, and sturgeon. All sockeye and steelhead must be released immediately. A maximum of three sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. The sturgeon possession/sales limit includes both mainstem and Select Area fisheries.

SANCTUARIES: Grays River, Elokomin-A, Cowlitz River, Kalama-A, Lewis-A, Washougal and Sandy Rivers.

OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

REPEALER

The following section of the Washington Administrative Code is repealed effective 5:01 a.m. July 6, 2006:

WAC 220-33-01000K Columbia River season below Bonneville.

**WSR 06-13-040
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 06-140—Filed June 15, 2006, 4:00 p.m., effective June 16, 2006, 12:01 a.m.]

Effective Date of Rule: June 16, 2006, 12:01 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-48-032.

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: Permanent rules close Puget Sound to set line fishing on June 16. There is a harvest surplus of dogfish available and this rule change is needed to provide an opportunity to harvest these fish. 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: June 15, 2006.

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-48-03200G Set line—Seasons. Notwithstanding the provisions of WAC 220-48-032, effective 12:01 a.m. June 16, 2006 until further notice, it is lawful to fish with set line gear for dogfish and other bottomfish in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas except as provided for in this section:

(1) It is unlawful to take, fish for, and possess dogfish and other bottomfish taken with set lines in:

(a) That portion of Area 26C north of a line projected due east from Point Bolin to Bainbridge Island is closed all year.

(b) That portion of Area 26D south of lines projected due west of Point Dalco on Vashon Island, and from Dash Point to Point Piner on Maury Island, is closed all year.

(c) That portion of Area 28A east of a line projected due north from the northwest tip of Fox Island, and north of a line projected due east from Fox Point on Fox Island is closed all year.

(d) Those waters provided for in WAC 220-20-010(6) and 220-20-020(4).

(e) Marine Fish-Shellfish Management and Catch Reporting Areas 27A, 27B and 27C.

(2) Incidental catch: It is unlawful to retain lingcod, yelloweye or canary rockfish. It is unlawful to retain fish other than bottomfish and unlawful to retain more than 30 pounds of rockfish other than canary or yelloweye rockfish per vessel trip.

**WSR 06-13-041
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 06-142—Filed June 15, 2006, 4:01 p.m., effective June 20, 2006, 6:00 a.m.]

Effective Date of Rule: June 20, 2006, 6:00 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100V; and amending WAC 220-32-051.

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: Sets initial treaty Indian summer commercial gill net fishery for Zone 6. Continues to allow the sale of fish caught in platform and hook and line fishery in Zone 6 to be sold. Also allows the sale of fish caught in Yakama Nation tributary fisheries to be sold when those tributaries are open under Yakama Nation rules. Harvestable numbers of salmon are available under the ESA guideline. The fishery catches are expected to remain within the allocation and guidelines of the 2005-2007 management agreement. Rule is consistent with action of the Columbia River compact on June 7, 2006, and June 15, 2006. Confirms state rules with tribal rules. 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: June 15, 2006.

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-32-05100W Columbia River salmon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon, steelhead, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, and the Wind River, White Salmon River, Klickitat River, and Drano Lake except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, shad, carp, or sturgeon under the following provisions, pursuant to lawfully enacted tribal rules:

1. Open Periods: 6:00 a.m. Tuesday, June 20 until 6:00 p.m. Thursday, June 22

a) Open Areas: SMCRA 1F, 1G, 1H,

b) Gear: 7 inch minimum mesh size restriction

2. Open Periods: immediately until further notice

a) Open Areas: SMCRA 1F, 1G, 1H,

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line.

3. Open Periods: immediately until further notice and only during those days and hours when those tributaries are

open under lawfully enacted Yakama Nation tribal subsistence fisheries, for enrolled Yakama Nation members.

a) Open Areas: Klickitat River, Drano Lake, Wind River, and White Salmon

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line. Gill nets may be used in Drano Lake.

4. Allowable sale includes: salmon, steelhead, walleye, shad, and carp. Sockeye may be retained but not sold. Sturgeon between 45 inches and 60 inches in length may be retained in the Bonneville Pool (SMCRA 1F) for subsistence purposes only. Sturgeon between 4 feet and 5 feet in length may be retained in The Dalles and John Day pools (SMCRA 1G, 1H) for subsistence purposes only. Fish may also be sold from Washington tributaries during the open Yakama Nation fishing periods within those areas, as described above.

Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

5) There will be no sanctuary in effect at Spring Creek National Fish Hatchery.

6) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

a) Hood River are those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles down river from the west bank at the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

b) Herman Creek are those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

c) Deschutes River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

d) Umatilla River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

e) Big White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

f) Wind River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

g) Klickitat River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 miles downstream from the west bank.

h) Little White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to

a marker located approximately 1/2 mile upstream from the eastern shoreline.

7) Notwithstanding the provisions of WAC 220-22-010, during the open periods described above:

a. Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of the Gods, and downstream from the west end of the 3 Mile Rapids located approximately 1.8 miles below the Dalles Dam.

b. Area 1G includes those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 miles above The Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in mid-river, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy Light below John Day Dam.

c. Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately 1/2 mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in mid-river, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 a.m. June 20, 2006:

WAC 230-32-05100V Columbia River salmon seasons above Bonneville Dam. (06-131)

**WSR 06-13-044
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 06-143—Filed June 15, 2006, 4:23 p.m., effective June 15, 2006]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

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

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: There is not enough fish left in the early season quota for the fishery to remain open. These rules are adopted at the recommendation of the Pacific Fisheries Management Council, in accordance with pre-season

fishing plans. 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: June 15, 2006.

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-24-04000A All-citizen commercial salmon troll. Notwithstanding the provisions of WAC 220-24-040, effective immediately until further notice it is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons provided for in this section:

(1) Salmon Management and Catch Reporting Areas 1, 2, 3 and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open:

June 27 through June 30, 2006;

July 15 through July 18, 2006;

July 22 through July 25, 2006;

July 29 through August 1, 2006;

August 5 through August 7, 2006;

August 12 through August 14, 2006;

August 19 through August 21, 2006;

August 26 through August 28, 2006;

September 2 through September 4, 2006;

September 9 through September 11, 2006;

(2) The Cape Flattery and Columbia River Control Zones are closed.

(3) Landing and possession limit of 20 chinook per boat per entire open period for opening from June 27 through June 30.

(4) Landing and possession limit of 35 chinook and 35 marked coho per boat per entire open period for opening from July 15 through August 1. Landing and possession limit of 30 chinook and 40 marked coho per boat per entire open period for opening from August 5 through September 15. Chum retention is not allowed north of Cape Alava during August and September.

Minimum size for chinook salmon is 28 inches in length. No minimum size for pink, sockeye or chum salmon. It is unlawful to possess coho salmon during openings in June.

For openings beginning July 15 all retained coho must have a healed adipose fin clip.

(5) For the June 27 through 30 opening, lawful troll gear is restricted to all legal troll gear with single point, single shank barbless hooks. For the July 15 through September 15 openings, lawful troll gear is restricted to 6 inch plugs or longer with single point, single shank barbless hooks.

(6) Fishers must land and deliver their catch within 24 hours of any closure of a fishery provided for in this section, and vessels fishing north of Leadbetter Point must land and deliver their fish within the area and North of Leadbetter point. Vessels fishing south of Leadbetter Point must land and deliver their fish within the area and south of Leadbetter Point.

(7) The Cape Flattery Control Zone is defined as the area from Cape Flattery (48°23'00" N latitude) to the northern boundary of the U.S. EEZ: and the area from Cape Flattery south to Cape Alava, 48°10'00" N latitude and west of 125°05'00" W longitude.

(8) Columbia Control Zone - An area at the Columbia River mouth, bounded on the west by a line running north-east/southwest between the red lighted Buoy #4 (46°13'35" N. Lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09" N. lat., 124°06'16" W. long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat., 124°03'07" West. long. to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N. lat., 124°05'20" W. long.) and then along the north jetty to the point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

(9) 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 or faxing the information to (360) 902-2949 or E-mailing to trollfishtickets@dfw.wa.gov. Report the dealer name, 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.

REPEALER

The following section of the Washington Administrative Code is repealed:

220-24-04000Z	All-citizen commercial salmon troll. (06-87)
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WSR 06-13-070
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 06-144—Filed June 19, 2006, 4:27 p.m., effective July 21, 2006]

Effective Date of Rule: July 21, 2006.

Purpose: Amend personal use fishing rules.

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

Statutory Authority for Adoption: RCW 77.12.047.

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: Most of the spring chinook broodstock trapped to date at the Leavenworth National Fish Hatchery were stolen on the night of June 9, 2006. Additional fish needed to be trapped to replace those stolen. The hatchery has accomplished this task; to date more than 1,000 fish have been captured. The remaining fish returning to the Icicle River are available for harvest. 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: June 19, 2006.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 232-28-61900S Exceptions to statewide rules— Icicle River (Chelan Co.) Notwithstanding the provisions of WAC 232-28-619, effective June 21 through July 31, 2006 it is lawful to fish for salmon in those waters of the Icicle River from 500 feet downstream of the Leavenworth National Fish Hatchery Rack downstream to a point 400 feet upstream of the mouth of the Icicle River. Daily limit two salmon minimum size is 12 inches. Night closure and non-buoyant lure restrictions in effect.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 1, 2006:

WAC 232-28-61900S Exceptions to statewide
rules—Icicle River (Chelan
Co.)

WSR 06-13-091
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 06-138—Filed June 20, 2006, 1:37 p.m., effective July 1, 2006]

Effective Date of Rule: July 1, 2006.

Purpose: Amend personal use fishing rules.

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

Statutory Authority for Adoption: RCW 77.12.047.

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 area in the Okanogan River is generally open when the adjacent area of the Columbia River is open. This emergency rule is necessary to include this small area below the Highway 97 Bridge to reduce confusion by salmon fishers and improve enforcement by providing a discreet boundary at Highway 97 Bridge. 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: June 20, 2006.

J. P. Koenings
Director
by Larry Peck

the provisions of WAC 232-28-619, effective July 1 through October 15, 2006 it is lawful to fish in those waters of the Okanogan River from the mouth to the Highway 97 Bridge immediately upstream of mouth. Daily limit of six salmon, no more than two may be adults. Non-buoyant lure restriction and night closure are in effect.

REPEALER

The following section of the Washington Administrative Code is repealed effective October 16, 2006:

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

NEW SECTION

**WAC 232-28-61900M Exceptions to statewide
rules—Okanogan River (Okanogan Co.) Notwithstanding**