

WSR 06-17-005
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 06-189—Filed August 3, 2006, 1:38 p.m., effective August 5, 2006, 12:01 a.m.]

Effective Date of Rule: August 5, 2006, 12:01 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-48-01500Y; and amending WAC 220-48-015.

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 Pacific cod quota has been taken in Marine Fish-shellfish Management and Catch Reporting Area 23C. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: August 3, 2006.

Morris W. Barker
 for Jeff Koenings
 Director

NEW SECTION

WAC 220-48-01500Y Beam trawl and bottom trawl seasons. Notwithstanding the provisions of WAC 220-48-015, effective 12:01 a.m. August 5, through August 31, 2006, it is unlawful to fish for or possess bottomfish with beam trawl and bottomtrawl gear in Marine Fish-shellfish Management and Catch Reporting Area 23C.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 1, 2006:

WAC 220-48-01500Y Beam trawl and bottom trawl seasons.

WSR 06-17-011
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 06-190—Filed August 4, 2006, 2:34 p.m., effective August 4, 2006]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-52-05100T; 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 have been taken in the areas closed 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; 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: August 4, 2006.

Greg Hueckel
 for Jeff Koenings
 Director

NEW SECTION

WAC 220-52-05100U 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 1B, 1C, 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 23A-E, 23A-W, 26B-1, 26C and 26D.

ii) Shrimp Management Areas 1B, 1C and Marine Fish/Shellfish Management and Catch Reporting Areas 23B and 25D are open to the harvest of shrimp species other than spot shrimp, except those waters in 25D 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.

iii) Effective 3:00 p.m. August 5, 2006 it is unlawful to harvest spot shrimp for commercial purposes in Shrimp Management Area 2E.

iv) Effective 3:00 p.m. August 6, 2006 it is unlawful to harvest spot shrimp for commercial purposes in Marine Fish/Shellfish Management and Catch Reporting Areas 25A.

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

(c) Effective immediately, 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, to exceed 200 pounds per week from Shrimp Management Areas 2-W and 4, or to exceed 250 pounds per week from Marine Fish/Shellfish Management and Catch Reporting Area 23A-C, or to exceed 300 pounds per week from Shrimp Management Area 6, or to exceed 400 pounds per week from Marine Fish/Shellfish Management and Catch Reporting Area 25A, 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.

(d) 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.

(e) 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(d) above.

(2) Shrimp beam trawl gear:

(a) That portion of Marine Fish-Shellfish Management and Catch Reporting Areas 21A north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island, and 22A, within Shrimp Management Area 1B, are 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:

WAC 220-52-05100T Puget Sound shrimp beam trawl fishery—Season (06-188)

WSR 06-17-012 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 06-191—Filed August 4, 2006, 2:35 p.m., effective August 8, 2006, 12:01 a.m.]

Effective Date of Rule: August 8, 2006, 12:01 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: The projected sockeye run is expected to be 466,000 with an escapement goal of 350,000. The projected nontreaty harvestable share is approximately 57,000 sockeye. 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: August 4, 2006.

Greg Hueckel
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-61900L Exceptions to statewide rules—Lake Washington. Notwithstanding the provisions of WAC 232-28-619, it is unlawful to take, fish for, or possess salmon taken from Lake Washington except as provided for in this section, provided that unless otherwise amended all permanent rules remain in effect:

(1) Open from one hour before sunrise to one hour after sunset August 8 through August 13, 2006, in waters east of a line extended true south from Webster Point, except closed:

(a) within 100 yards either side of the Highway 520 Bridge (Evergreen Point Floating Bridge);

(b) within 100 yards either side of the Interstate 90 Bridge;

(c) within 1000 feet of the mouth of the Cedar River.

(2) Daily limit of two sockeye salmon, and all other salmon must be released immediately with the least possible harm. Sockeye salmon are defined as *Oncorhynchus nerka* fifteen inches or greater in length. *Oncorhynchus nerka* less than fifteen inches in length are kokanee.

REPEALER

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

WAC 232-28-61900L Exceptions to statewide rules—Lake Washington.

**WSR 06-17-013
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 06-192—Filed August 4, 2006, 2:36 p.m., effective August 7, 2006, 8:00 a.m.]

Effective Date of Rule: August 7, 2006, 8:00 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-50100P.

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 provides for PSC authorized sockeye fisheries in Areas 7 and 7A and enacts permanent regulation changes arising from North of Falcon agreements made by comanagers. The permanent regulation change package has been filed with the code reviser's office under expedited rule procedures, but the permanent regulation changes are not yet in effect. These emergency rules are necessary to initiate fisheries, which are scheduled to commence before those permanent rules will become effective. These fisheries are not expected to exceed chinook by-catch levels modeled during the preseason pro-

cess. 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: August 4, 2006.

Greg Hueckel
for Jeff Koenings
Director

NEW SECTION

WAC 220-47-50100P Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Areas 7 and 7A:

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

<u>Hours</u>	<u>Dates</u>
8:00 a.m. to 6:00 p.m. daily if using a Recovery Box during all fishing activities throughout the entire open period	August 7
10:30 a.m. to 6:00 p.m. daily if NOT using a Recovery Box during all fishing activities throughout the entire open period	August 7

(i) It is unlawful to retain chinook, coho, and chum salmon

(ii) It is unlawful to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net, meeting the specifications in WAC 22-47-325, prior to the seine net being removed from the water, except all salmon must be immediately sorted and those required to be released, must be placed in an operating recovery box or released into the water before the next haul may be brought on the deck. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.

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

Areas 7 and 7A:

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

<u>Hours</u>	<u>Dates</u>
2:00 p.m. to Midnight.	August 7

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

Reef Nets - Open to reef net gear according to the times, dates, and conditions as prescribed and listed here:

<u>Hours</u>	<u>Dates</u>
10:00 a.m. to 8:00 p.m.	August 7

It is unlawful to retain chinook salmon at all times, and it is unlawful to retain chum salmon and wild coho salmon prior to October 1. It is unlawful to fish for salmon with reef net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department issued certification card.

Areas 7B and 7C:

Purse Seines - (a) Open in Area 7B and 7C to purse seines during the following hours and dates: 6:00 a.m. to 8:00 p.m. August 16, August 23 and August 30.

(i) It is unlawful to retain sockeye or coho salmon, and any sockeye or coho salmon caught must be released immediately.

(ii) It is unlawful to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net, meeting the specifications in WAC 220-47-325, prior to the seine net being removed from the water.

(iii) The 5-inch strip requirement is not in effect during these openings.

Gill Net - Open to gill nets as follows:

<u>Areas</u>	<u>Mesh Size</u>	<u>Hours</u>	<u>Dates</u>
7B and 7C	7" minimum	7:00 p.m. August 14 to 7:00 a.m.	August 15.
		7:00 p.m. August 20 to 7:00 a.m.	August 21.
		7:00 p.m. August 22 to 7:00 a.m.	August 23.
		7:00 p.m. August 24 to 7:00 a.m.	August 25.
		7:00 p.m. August 27 to 7:00 a.m.	August 28.
		7:00 p.m. August 29 to 7:00 a.m.	August 30.
		7:00 p.m. August 31 to 7:00 a.m.	September 1

Area 9A:

Gill Nets - Open to gill nets using 5-inch minimum mesh as follows:

- 7:00 p.m. August 22 to 7:00 a.m. August 23.
- 7:00 p.m. August 24 to 7:00 a.m. August 25
- 7:00 a.m. August 27 through 8:00 p.m. October 28

It is unlawful to retain chum salmon in Area 9A prior to October 1 and unlawful to retain Chinook salmon at any time.

Any salmon not to be retained must be released from the net by cutting the meshes ensnaring the fish.

All Other Saltwater and Freshwater Areas: Closed.

"Quick Reporting" Fisheries:

All fisheries opened under this section, and any fishery openings under authority of the Fraser Panel for sockeye or pink salmon in Areas 7 and 7A are designated as "Quick Reporting Required" fisheries.

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 8:01 p.m. October 28, 2006:

WAC 220-47-50100P Puget Sound all-citizen commercial salmon fishery.

WSR 06-17-023

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 06-193—Filed August 7, 2006, 2:22 p.m., effective August 7, 2006]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100V; 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 have been taken in the areas closed 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; 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 Mak-

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

Date Adopted: August 7, 2006.

J. P. Koenings
Director

NEW SECTION

WAC 220-52-05100V 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 1B, 1C, 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 23A-E, 23A-W, 26B-1, 26C and 26D.

ii) Shrimp Management Areas 1B, 1C, 2-W and Marine Fish/Shellfish Management and Catch Reporting Areas 23B and 25D are open to the harvest of shrimp species other than spot shrimp, except those waters in 25D 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.

iii) Effective 3:00 p.m. August 8, 2006 it is unlawful to harvest shrimp for commercial purposes in Marine Fish/Shellfish Management and Catch Reporting Area 26B-2.

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

(c) Effective immediately, 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 250 pounds per week from Marine Fish/Shellfish Management and Catch Reporting Area 23A-C, or to exceed 300 pounds per week from Shrimp Management Areas 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.

(d) 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.

(e) 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(d) above.

(2) Shrimp beam trawl gear:

(a) That portion of Marine Fish-Shellfish Management and Catch Reporting Areas 21A north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island, and 22A, within Shrimp Management Area 1B, are 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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100U	Puget Sound shrimp beam trawl fishery—Season (06-190)
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WSR 06-17-037

EMERGENCY RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed August 8, 2006, 10:05 a.m., effective August 8, 2006]

Effective Date of Rule: Immediately.

Purpose: To bring office of superintendent of public instruction rules into alignment with RCW 28A.160.160 (eliminating a one hundred forty-four day program requirement for basic shuttle routes) and to allow the full-time period provided under statute [statute] for the school district annual ridership report.

Citation of Existing Rules Affected by this Order: Amending WAC 392-141-160, 392-141-180, and 392-141-185.

Statutory Authority for Adoption: RCW 28A.150.290.

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: Immediate adoption of the amended rule is required to allow school districts to report basic shuttle routes for funding allowed under statute during the 2006-07 school year. This action is in direct response to Recommendation 4 of the joint legislative audit and review committee report on pupil transportation funding.

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 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

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

Date Adopted: August 8, 2006.

Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 98-08, filed 8/7/98, effective 9/7/98)

WAC 392-141-160 District reporting and record-keeping requirements. Annual or supplementary reports shall be submitted by each school district to the superintendent of public instruction prior to the ~~((third Monday))~~ last business day in October. This report shall reflect to the extent practical the planned pupil transportation program for the entire school year and which is in operation during ridership count week. Reports shall be submitted with a cover letter signed by the chief school district administrator attesting to the completeness of the requirements below and the accuracy of the data contained therein. The superintendent of public instruction shall have the authority to make modifications or adjustments in accordance with the intent of RCW 28A.160.150, 28A.160.160, and 28A.160.170. Each district shall submit the data required on a timely basis as a condition to the continuing receipt of student transportation allocations. These reports shall be maintained for a period of three school years or until audited and include the following but are not limited to:

(1) School bus route logs completed in ink by bus drivers for five consecutive days. These logs shall include state school bus numbers, each bus stop, the number of students boarding the bus at each stop, and destination schools, transfer points, learning centers, or agencies; and

(2) The number of kindergarten through fifth grade students enrolled during ridership count week and living one radius mile or less from their destination school; and

(3) Other operational data and descriptions, as required by the superintendent of public instruction to determine operation allocation requirements for each district; and

(4) An annual school bus mileage report including the beginning and ending year odometer reading, the total miles for each bus for the school year, an estimate of to and from school mileage for the upcoming school year, and miles for extended day routes, field trips, extracurricular, and other contractual uses of school buses; and

(5) Copies of any and all correspondence, publications, news articles, or campaign materials which encourage ridership during count week of the report that is beyond the normal activity experienced during the school year. School dis-

tricts shall not utilize incentive programs that provide tangible gifts to reward increases in ridership counts.

School districts shall maintain at least a weekly one-day route log containing the school bus driver's name, state bus number, route number, route type, day of the week, beginning and ending odometer readings, destinations, destination times and student counts. These route logs shall be maintained in the school district files for a period of three years or until audited.

AMENDATORY SECTION (Amending Order 92-03, filed 3/23/92, effective 4/23/92)

WAC 392-141-180 Limitations on the allocation for transportation between schools and learning centers. Funding for transportation between schools and learning centers shall be subject to the ~~((following conditions:~~

~~(1) The))~~ instruction at the learning center site ~~((shall be scheduled for at least one hundred forty four school days within an annual term and meet))~~ meeting the requirements established in any of the following statutes:

~~((a))~~ (1) Chapter 28A.230 RCW;

~~((b))~~ (2) Chapter 28A.155 RCW;

~~((c))~~ (3) RCW 28A.165.010 through 28A.165.080;

~~((d))~~ (4) RCW 28A.150.200; and

~~((e))~~ (5) RCW 28A.180.010 through 28A.180.080(~~;~~

~~(2) The transportation between schools and learning centers shall be scheduled for at least one hundred forty four school days within an annual term; and~~

~~(3) The limitations imposed by this section shall not apply to midday transportation or transportation of special education, gifted, or bilingual students between schools and agencies less frequently than four days a week)).~~

AMENDATORY SECTION (Amending Order 96-09, filed 7/25/96, effective 8/25/96)

WAC 392-141-185 Operation allocation computation. The computation of the transportation operation allocation shall be as follows:

(1) All basic and transit tripper students defined in WAC 392-141-115 who are transported to school shall be measured by radius mile intervals between the bus route stop and the destination sites in accordance with WAC 392-141-170(3) and multiplied by two to yield the round trip totals in each distance interval;

(2) All midday students defined in WAC 392-141-115 and basic shuttle students transported shall be measured by radius mile intervals between the bus route stop and the destination school in accordance with WAC 392-141-170(3)(~~;~~). Basic shuttle transportation whose schedule is less than five days a week shall have the weighted units multiplied by the appropriate percent shown in the table below:

<u>No. of days per week</u>	<u>Percent factor</u>
<u>1</u>	<u>20%</u>
<u>2</u>	<u>40%</u>
<u>3</u>	<u>60%</u>
<u>4</u>	<u>100%</u>

(3) The total students in subsections (1) and (2) of this section in each distance interval, multiplied by the applicable distance weighting factor contained in WAC 392-141-170(3) shall equal the weighted student units in each distance interval. Midday transportation students whose schedule is one day per week shall have the weighted student units multiplied by twenty percent;

(4) The district's minimum load factor, if applicable, is calculated pursuant to WAC 392-141-170(5). This factor is multiplied by the total weighted student units generated by basic and tripper students. This total is the additional weighted units attributable to the district's small average bus load;

(5) The sum of the cumulative weighted student units calculated in subsections (3) and (4) of this section, if applicable, equals the total basic transportation weighted units;

(6) The basic allocation is the total basic transportation weighted units calculated in subsection (5) of this section multiplied by the standard student mile allocation rate;

(7) All special students defined in RCW 28A.155.020 transported on special transportation bus routes to school or agencies for related services shall be measured by radius mile intervals between their bus route stops and destinations sites in accordance with WAC 392-141-170(3) and multiplied by two to yield the round trip total in each distance interval;

(8) All special shuttle students transported between schools or agencies less frequently than five days a week shall be measured by radius mile intervals between the bus route stop and destination sites in accordance with WAC 392-141-170(3);

(9) The total students in subsections (7) and (8) of this section in each distance interval multiplied by the applicable distance weighting factor contained in WAC 392-141-170(3) shall equal the weighted student units in each distance interval. Special shuttle transportation whose schedule is less than five days a week shall have the weighted units multiplied by the appropriate percent shown in the table below:

No. of days per week	Percent factor
1	20%
2	40%
3	60%
4	100%

(10) The district's special transportation load factor, if applicable, is calculated pursuant to WAC 392-141-170. The factor is multiplied by the total weighted student units generated by special students (not special shuttle students);

(11) The weighted student units calculated in subsections (9) and (10) of this section, if applicable, equals the total special transportation weighted units;

(12) The special allocation is the total special transportation weighted units calculated in subsection (11) of this section, multiplied by the standard student mile allocation rate;

(13) The one radius mile allocation for basic trippers and midday kindergarten students shall be calculated by the number of kindergarten through fifth grade students enrolled during the five consecutive day count week and living one radius mile or less from their enrollment school less kindergarten

through fifth grade special education students living and transported within one mile, multiplied by the allocation rate, and further multiplied by a factor established by the Biennial Appropriations Act;

(14) The district car allocation is computed for each vehicle and then totaled to equal the district car allocation. The computation is based on one hundred eighty days and fifty mile increments multiplied by the appropriate district car operation and depreciation rates published by the superintendent of public instruction. All vehicles traveling over two hundred fifty miles receive only the depreciation rate for miles in excess of two hundred fifty for the one hundred eighty day period;

(15) The district's annual allocation for transportation operation is the total of the calculations made in subsections (6), (12), (13) and (14) of this section;

(16) The allocation for kindergarten through fifth grade students living one radius mile or less from their school of enrollment may be used for transporting students, funding crossing guards or local and the state matching funds for capital projects. Projects managed by the federal government are ineligible;

(17) When a district submits a revised report pursuant to WAC 392-141-165, to the extent funds are available, the district's operation allocation shall be recalculated. Any increase in operations allocations shall be prorated for the remainder of the annual school term or until termination of activities before the end of the scheduled school term. The date that the district documents first meeting the ten percent increase in eligible students transported shall be used to prorate any increase in annual transportation operation allocations.

**WSR 06-17-045
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 06-194—Filed August 8, 2006, 4:14 p.m., effective August 8, 2006]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-50100P; and amending WAC 220-47-501.

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 provides for PSC authorized sockeye fisheries in Areas 7 and 7A and enacts permanent regulation changes arising from North of Falcon agreements made by comanagers. The permanent regulation change package has been filed with the code reviser's office under expedited rule procedures, but the permanent regulation changes are not yet in effect. These emergency rules are necessary to initiate fisheries, which are

scheduled to commence before those permanent rules will become effective. These fisheries are not expected to exceed chinook by-catch levels modeled during the preseason process. 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: August 8, 2006.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-47-50100Q Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Areas 7 and 7A:

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

<u>Hours</u>	<u>Dates</u>
5:00 a.m. to 9:00 p.m. daily if using a Recovery Box during all fishing activities throughout the entire open period	August 9
9:00 a.m. to 9:00 p.m. daily if NOT using a Recovery Box during all fishing activities throughout the entire open period	August 9

(i) It is unlawful to retain chinook, coho, and chum salmon

(ii) It is unlawful to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net, meeting the specifications in WAC 22-47-325, prior to the seine net being removed from the water, except all salmon must be immediately sorted and those required to be released, must be placed in an operating recovery box or released into the water before the next

brail may be brought on the deck. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.

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

Areas 7 and 7A:

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

<u>Hours</u>	<u>Dates</u>
8:00 a.m. to Midnight.	August 9

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

Reef Nets - Open to reef net gear according to the times, dates, and conditions as prescribed and listed here:

<u>Hours</u>	<u>Dates</u>
5:00 a.m. to 9:00 p.m.	August 9

It is unlawful to retain chinook salmon at all times, and it is unlawful to retain chum salmon and wild coho salmon prior to October 1. It is unlawful to fish for salmon with reef net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department issued certification card.

Areas 7B and 7C:

Purse Seines - (a) Open in Area 7B and 7C to purse seines during the following hours and dates:

6:00 a.m. to 8:00 p.m. August 16, August 23 and August 30.

(i) It is unlawful to retain sockeye or coho salmon, and any sockeye or coho salmon caught must be released immediately.

(ii) It is unlawful to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net, meeting the specifications in WAC 220-47-325, prior to the seine net being removed from the water.

(iii) The 5-inch strip requirement is not in effect during these openings.

Gill Nets - Open to gill nets as follows:

<u>Areas</u>	<u>Mesh Size</u>	<u>Hours</u>	<u>Dates</u>
7B and 7C	7" minimum	7:00 p.m. August 14 to 7:00 a.m. August 15. 7:00 p.m. August 20 to 7:00 a.m. August 21. 7:00 p.m. August 22 to 7:00 a.m. August 23. 7:00 p.m. August 24 to 7:00 a.m. August 25. 7:00 p.m. August 27 to 7:00 a.m. August 28. 7:00 p.m. August 29 to 7:00 a.m. August 30. 7:00 p.m. August 31 to 7:00 a.m. September 1	

Area 9A:

Gill Nets - Open to gill nets using 5-inch minimum mesh as follows:

7:00 p.m. August 22 to 7:00 a.m. August 23.
 7:00 p.m. August 24 to 7:00 a.m. August 25
 7:00 a.m. August 27 through 8:00 p.m. October 28

It is unlawful to retain chum salmon in Area 9A prior to October 1 and unlawful to retain Chinook salmon at any time. Any salmon not to be retained must be released from the net by cutting the meshes ensnaring the fish.

All Other Saltwater and Freshwater Areas: Closed.
"Quick Reporting" Fisheries:

All fisheries opened under this section, and any fishery openings under authority of the Fraser Panel for sockeye or pink salmon in Areas 7 and 7A are designated as "Quick Reporting Required" fisheries.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-50100P Puget Sound all-citizen commercial salmon fishery. (06-192)

The following section of the Washington Administrative Code is repealed effective 8:01 p.m. October 28, 2006:

WAC 220-47-50100Q Puget Sound all-citizen commercial salmon fishery. (06-194)

**WSR 06-17-053
 EMERGENCY RULES
 DEPARTMENT OF
 FISH AND WILDLIFE**

[Order 06-198—Filed August 9, 2006, 4:27 p.m., effective August 9, 2006]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100V; 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 have been taken in the areas closed 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; 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: August 9, 2006.

J. P. Koenings
 Director

NEW SECTION

WAC 220-52-05100W 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 1B, 1C, 2, 3 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 23A-C, 23A-E, 23A-W and 26D, except as provided for in this section:

a. Marine Fish/Shellfish Management and Catch Reporting Area 26D is open for all shrimp species effective 12:01 p.m. August 11, 2006 through 11:59 p.m. August 12, 2006, with a 70 pound weekly limit.

ii) Shrimp Management Areas 1B, 1C, 2-E, 2-W and Marine Fish/Shellfish Management and Catch Reporting Areas 23B, 25A and 25D are open to the harvest of shrimp species other than spot shrimp, except those waters in 25D 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.

iii)

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

(c) Effective immediately, 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 Shrimp Management Area 6 outside of Marine Fish-Shellfish Catch and Reporting Area 26D, 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.

(d) 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.

(e) 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(d) above.

(2) Shrimp beam trawl gear:

(a) That portion of Marine Fish-Shellfish Management and Catch Reporting Areas 21A north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island, and 22A, within Shrimp Management Area 1B, are 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 errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100V Puget Sound shrimp beam trawl fishery—Season (06-193)

**WSR 06-17-066
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Health and Recovery Services Administration)

[Filed August 10, 2006, 4:28 p.m., effective August 10, 2006]

Effective Date of Rule: Immediately.

Purpose: Section 107 of 2SSB 6793 (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 6793 (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 changes to the hospital bed allocation make the existing WAC section erroneous. The department has filed a proposed rule as WSR 06-14-085 to repeal this section permanently, and a hearing is scheduled for August 8, 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 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 1.

Date Adopted: August 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 06-17-072
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 06-202—Filed August 11, 2006, 1:50 p.m., effective August 14, 2006]

Effective Date of Rule: August 14, 2006.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 232-28-61900N; 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 emergency regulation allows two additional days of recreational fishing opportunity. The projected sockeye run is expected to be 466,000 with an escapement goal of 350,000. The projected nontreaty harvestable share is approximately 57,000 sockeye. 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: August 11, 2006.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 232-28-61900N Exceptions to statewide rules—Lake Washington. Notwithstanding the provisions of WAC 232-28-619, it is unlawful to take, fish for, or possess salmon taken from Lake Washington except as provided for in this section, provided that unless otherwise amended all permanent rules remain in effect:

(1) Open from one hour before sunrise to one hour after sunset August 14 through August 15, 2006, in waters east of a line extended true south from Webster Point, except closed:

(a) within 100 yards either side of the Highway 520 Bridge (Evergreen Point Floating Bridge);

(b) within 100 yards either side of the Interstate 90 Bridge;

(c) within 1000 feet of the mouth of the Cedar River.

(2) Daily limit of two sockeye salmon, and all other salmon must be released immediately with the least possible harm. Sockeye salmon are defined as *Oncorhynchus nerka* fifteen inches or greater in length. *Oncorhynchus nerka* less than fifteen inches in length are kokanee.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 16, 2006:

WAC 232-28-61900N Exceptions to statewide rules—Lake Washington.

WSR 06-17-073 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 06-201—Filed August 11, 2006, 1:51 p.m., effective August 13, 2006, 7:00 p.m.]

Effective Date of Rule: August 13, 2006, 7:00 p.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000Q; 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 mid-August fall commercial fishing period for 2006. Season is consistent with the 2005-2007 interim management agreement, the 2006 non-Indian allocation agreement and commercial sturgeon harvest guidelines adopted for 2006. Regulation is consistent with compact action of August 10, 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: August 11, 2006.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-33-01000Q Columbia River season below Bonneville. Notwithstanding the provisions 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.

1. SEASON:

a. 7:00 p.m. Sunday August 13 to 7:00 a.m. Monday August 14, 2006

b. 7:00 p.m. Tuesday August 15 to 7:00 a.m. Wednesday August 16, 2006

c. 7:00 p.m. Thursday August 17 to 7:00 a.m. Friday August 18, 2006

2. AREA: SMCRA 1A upstream of the Astoria-Megler Bridge, 1B, 1C, 1D, and 1E during August 13-14 and SMCRA 1B, 1C, 1D, and 1E during August 15-18.

3. GEAR: Drift gill nets only. Mono-filament gear is allowed. 8-inch minimum mesh and 9-3/4 inch maximum mesh.

4. ALLOWABLE SALE: Salmon and sturgeon. A maximum of seven white 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. Green sturgeon retention is prohibited.

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

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:01 a.m. August 18, 2006:

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

**WSR 06-17-076
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 06-204—Filed August 14, 2006, 9:19 a.m., effective August 14, 2006]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-50100Q; and amending WAC 220-47-501.

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 provides for PSC a second day of authorized sockeye fishing in Areas 7 and 7A and enacts permanent regulation changes arising

from North of Falcon agreements made by comanagers. The permanent regulation change package has been filed with the code reviser's office under expedited rule procedures, but the permanent regulation changes are not yet in effect. These emergency rules are necessary to initiate fisheries, which are scheduled to commence before those permanent rules will become effective. These fisheries are not expected to exceed chinook by-catch levels modeled during the preseason process. 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: August 11, 2006.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-47-50100R Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Areas 7 and 7A:

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

<u>Hours</u>	<u>Dates</u>
5:00 a.m. to 9:00 p.m. daily if using a Recovery Box during all fishing activities throughout the entire open period	August 14 and 15
9:00 a.m. to 9:00 p.m. daily if NOT using a Recovery Box during all fishing activities throughout the entire open period	August 14 and 15

(i) It is unlawful to retain chinook, coho, and chum salmon

(ii) It is unlawful to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the

seine net using a brailer or dip net, meeting the specifications in WAC 22-47-325, prior to the seine net being removed from the water, except all salmon must be immediately sorted and those required to be released, must be placed in an operating recovery box or released into the water before the next brail may be brought on the deck. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.

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

Areas 7 and 7A:

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

<u>Hours</u>	<u>Dates</u>
8:00 a.m. to Midnight.	August 14 and 15

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

Reef Nets - Open to reef net gear according to the times, dates, and conditions as prescribed and listed here:

<u>Hours</u>	<u>Dates</u>
5:00 a.m. to 9:00 p.m.	August 15 and 16

It is unlawful to retain chinook salmon at all times, and it is unlawful to retain chum salmon and wild coho salmon prior to October 1. It is unlawful to fish for salmon with reef net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department issued certification card.

Areas 7B and 7C:

Purse Seines - (a) Open in Area 7B and 7C to purse seines during the following hours and dates:

6:00 a.m. to 8:00 p.m. August 16, August 23 and August 30.

(i) It is unlawful to retain sockeye or coho salmon, and any sockeye or coho salmon caught must be released immediately.

(ii) It is unlawful to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net, meeting the specifications in WAC 220-47-325, prior to the seine net being removed from the water. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.

(iii) The 5-inch strip requirement is not in effect during these openings.

Gill Nets - Open to gill nets as follows:

<u>Areas</u>	<u>Mesh Size</u>	<u>Hours</u>	<u>Dates</u>
7B and 7C	7" minimum	7:00 p.m. August 14 to 7:00 a.m. August 15. 7:00 p.m. August 20 to 7:00 a.m. August 21. 7:00 p.m. August 22 to 7:00 a.m. August 23. 7:00 p.m. August 24 to 7:00 a.m. August 25. 7:00 p.m. August 27 to 7:00 a.m. August 28. 7:00 p.m. August 29 to 7:00 a.m. August 30. 7:00 p.m. August 31 to 7:00 a.m. September 1	

Area 9A:

Gill Nets - Open to gill nets using 5-inch minimum mesh as follows:

- 7:00 p.m. August 22 to 7:00 a.m. August 23.
- 7:00 p.m. August 24 to 7:00 a.m. August 25
- 7:00 a.m. August 27 through 8:00 p.m. October 28

It is unlawful to retain chum salmon in Area 9A prior to October 1 and unlawful to retain Chinook salmon at any time. Any salmon not to be retained must be released from the net by cutting the meshes ensnaring the fish.

All Other Saltwater and Freshwater Areas: Closed.

"Quick Reporting" Fisheries:

All fisheries opened under this section, and any fishery openings under authority of the Fraser Panel for sockeye or pink salmon in Areas 7 and 7A are designated as "Quick Reporting Required" fisheries.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-50100Q Puget Sound all-citizen commercial salmon fishery. (06-194)

WSR 06-17-080

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 06-206—Filed August 14, 2006, 1:45 p.m., effective August 14, 2006]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-01900B; and amending WAC 220-52-019.

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 emergency rule is necessary to standardize depth restriction. The current rule of seventy feet below any tide height is unclear as to legal harvest depth. This rule is interim until permanent rules take effect.

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: August 14, 2006.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-52-01900B Geoduck clams—Gear and unlawful acts. Notwithstanding the provisions of WAC 220-52-019, effective immediately until further notice, it is unlawful to harvest geoduck clams in areas deeper than seventy feet below mean lower low water (0.0 ft.).

REPEALER

The following section of the Washington Administrative Code is repealed effective September 10, 2006:

WAC 220-52-01900B Geoduck clams—Gear and unlawful acts.

**WSR 06-17-081
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 06-205—Filed August 14, 2006, 1:46 p.m., effective August 15, 2006, 12:01 a.m.]

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

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-62100T and 232-28-62100U; and amending WAC 232-28-621.

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 department is in the process of adopting permanent rules that are necessary to implement the personal use fishing plans agreed-to with resource comanagers at the North of Falcon proceedings. These emergency rules are necessary to comply with agreed-to management plans, and are interim until permanent rules take effect. For Marine Areas 5 and 6, the hatchery chinook quota is projected to be attained on August 14. Requiring the release of all chinook is required to stay within the season quota of 3,500 chinook.

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 2.

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

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

Date Adopted: August 11, 2006.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 232-28-62100U Puget Sound salmon seasons. Notwithstanding the provisions of WAC 232-28-621, WAC 220-56-128 and WAC 220-56-195, effective 12:01 a.m. August 15, 2006 until further notice, it is unlawful to fish for salmon in Puget Sound except as provided for in this section, provided that unless otherwise amended all permanent rules remain in effect:

(1) **Area 5** - Open until further notice - Daily limit 2 salmon, except release chum, chinook, and wild coho.

(2) **Area 6** - Open until further notice - Daily limit 2 salmon, except release chinook, chum and wild coho.

(3) **Area 7** - Open until further notice, daily limit 2 salmon, not more than one of which may be a chinook salmon, release chum and wild coho.

(4) **Area 8-1** - Open until further notice, daily limit 2 salmon, except release chinook.

(5) **Area 8-2:**

(a) Effective immediately until further notice - Waters adjacent to Tulalip Bay west of the line from Mission Point to Hermosa Point, and within 2,000 feet of shore, north of pilings at old Bower's Resort and south of the fishing marker 1.4 miles northwest of Hermosa Point, open Friday through 11:59 a.m. the following Monday of each week. Daily limit 2 salmon.

(b) Effective immediately until further notice - All other waters of Area 8-2 open. Daily limit 2 salmon, except release chinook.

(6) Area 9:

(a) Salmon fishing open year-round from the Edmonds fishing pier. Daily limit 2 salmon, not more than one of which may be a chinook, release chum.

(b) Effective immediately until further notice - All other waters of Area 9 open. Daily limit 2 salmon, except release chinook and chum.

(7) Area 10:

(a) Salmon fishing open year-round from the Elliott Bay public fishing pier, Seacrest pier, Waterman pier, Bremerton boardwalk, and Illahee State Park pier. Daily limit 2 salmon, not more than one of which may be a chinook, release chum.

(c) Effective immediately until further notice, all other waters of Area 10 open with the following area rules, limits, and species restrictions - Daily limit 2 salmon, except release chinook and chum.

(i) Shilshole Bay east of a line from Meadow Point to West Point is closed.

(ii) Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge, south of a line projected true west from Battle Point, and west of a line projected true south from Point White. Daily limit 2 salmon, lawful to retain chinook, except release chum.

(iii) During the period immediately through August 31, Elliott Bay east of a line from West Point to Alki Point is closed, except immediately through August 20 - Open east of a line from Pier 91 to Duwamish Head Friday through Sunday of each week - Daily limit of 2 salmon, lawful to retain chinook, except release chum.

(iv) Terminal gear in waters of the East Duwamish Waterway between a line projected east along the path of SW Hanford Street on Harbor Island and a line projected east from the south tip of Harbor Island is restricted to bait suspended above the bottom from a float.

(8) Area 11:

(a) Salmon fishing open year-round from the Les Davis public fishing pier, Des Moines public fishing pier, Redondo public fishing pier, Dash Point dock, and Point Defiance Boathouse dock. Daily limit 2 salmon, not more than one of which may be a chinook.

(b) Effective immediately until further notice - All other waters of Area 11 open. Daily limit 2 salmon.

(9) Area 13:

(a) Salmon fishing open year-round from the Fox Island public fishing pier. Daily limit 2 salmon, not more than one of which may be a chinook, except release wild coho.

(b) All other waters of Area 13, open immediately until further notice Daily limit 2 salmon, except release wild coho.

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. August 15, 2006:

WAC 232-28-62100T Puget Sound salmon seasons—2006 North of Falcon. (06-85)

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

WAC 232-28-62100U Puget Sound salmon seasons.

**WSR 06-17-093
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 06-203—Filed August 15, 2006, 9:37 a.m., effective August 15, 2006]

Effective Date of Rule: Immediately.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900H and 232-28-61900P; 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 emergency rule is necessary to correspond with the original intent of the language in the sport fishing rules pamphlet. Emergency rule is interim until permanent rules take effect.

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 2.

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

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

Date Adopted: August 14, 2006.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 232-28-61900P Exceptions to statewide rules—Nemah River (Pacific Co.) Notwithstanding the provisions of WAC 232-28-619:

(1) Effective immediately through September 30, 2006, it is unlawful to fish in those waters of the North Nemah River from Highway 101 Bridge upstream to Nemah Hatchery.

(2) Effective August 16 through November 30, 2006 night closure in effect on south Nemah to confluence with the Middle Nemah.

(3) Effective August 16 through November 30, 2006, non-buoyant lure restriction in effect on North Nemah upstream from bridge on dead end lower Nemah Road and Middle Neman from DNR Bridge on A-line Road.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900H Exceptions to statewide rules—Nemah River. (Pacific Co.)

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

WAC 232-28-61900P Exceptions to statewide rules—Nemah River (Pacific Co.)

**WSR 06-17-094
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 06-207—Filed August 15, 2006, 9:37 a.m., effective August 16, 2006]

Effective Date of Rule: August 16, 2006.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900Q; 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: The projected sockeye run is expected to be 466,000 with an escapement goal of 350,000. The projected nontreaty harvestable share is approximately 57,000 sockeye. Daily catch limits have been low allowing additional fishing opportunity. The estimated sport catch

through August 13 is approximately 43,000 sockeye. 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: August 14, 2006.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 232-28-61900Q Exceptions to statewide rules—Lake Washington. Notwithstanding the provisions of WAC 232-28-619, it is unlawful to take, fish for, or possess salmon taken from Lake Washington except as provided for in this section, provided that unless otherwise amended all permanent rules remain in effect:

(1) Open from one hour before sunrise to one hour after sunset August 16 through August 20, 2006, in waters east of a line extended true south from Webster Point, except closed:

(a) within 100 yards either side of the Highway 520 Bridge (Evergreen Point Floating Bridge);

(b) within 100 yards either side of the Interstate 90 Bridge;

(c) within 1000 feet of the mouth of the Cedar River.

(2) Daily limit of four sockeye salmon, and all other salmon must be released immediately with the least possible harm. Sockeye salmon are defined as *Oncorhynchus nerka* fifteen inches or greater in length. *Oncorhynchus nerka* less than fifteen inches in length are kokanee.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 21, 2006:

WAC 232-28-61900Q Exceptions to statewide rules—Lake Washington.

WSR 06-17-097
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 06-208—Filed August 15, 2006, 2:15 p.m., effective August 18, 2006, 12:01 a.m.]

Effective Date of Rule: August 18, 2006, 12:01 a.m.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 232-28-62100U and 232-28-62100V; and amending WAC 232-28-621.

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 department is in the process of adopting permanent rules that are necessary to implement the personal use fishing plans agreed-to with resource comanagers at the North of Falcon proceedings. These emergency rules are necessary to comply with agreed-to management plans, and are interim until permanent rules take effect. For Marine Areas 5 and 6, harvest of chinook last week was less than anticipated, leaving additional fish to be harvested while staying within the 3,500 chinook quota. This regulation allows additional fishing to harvest the additional fish.

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 2.

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

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

Date Adopted: August 15, 2006.

J. P. Koenings
 Director

NEW SECTION

WAC 232-28-62100V Puget Sound salmon seasons.

Notwithstanding the provisions of WAC 232-28-621, WAC 220-56-128 and WAC 220-56-195, effective 12:01 a.m. August 18, 2006 until further notice, it is unlawful to fish for salmon in Puget Sound except as provided for in this section, provided that unless otherwise amended all permanent rules remain in effect:

(1) Area 5 - Open immediately through August 21 - Daily limit 2 salmon, except release chum, wild chinook, and

wild coho. Open August 22 until further notice - Daily limit 2 salmon, except release chum, chinook, and wild coho.

(2) Area 6 - Open immediately through August 21 - Daily limit 2 salmon, except release chum and wild coho, release wild chinook west of a true north-south line through Buoy #2 immediately east of Ediz Hook, and release all chinook east of a true north-south line through Buoy #2 immediately east of Ediz Hook. Open August 22 until further notice - Daily limit 2 salmon, except release chinook, chum and wild coho.

(3) Area 7 - Open until further notice, daily limit 2 salmon, not more than one of which may be a chinook salmon, release chum and wild coho.

(4) Area 8-1 - Open until further notice, daily limit 2 salmon, except release chinook.

(5) Area 8-2:

(a) Effective immediately until further notice - Waters adjacent to Tulalip Bay west of the line from Mission Point to Hermosa Point, and within 2,000 feet of shore, north of pilings at old Bower's Resort and south of the fishing marker 1.4 miles northwest of Hermosa Point, open Friday through 11:59 a.m. the following Monday of each week. Daily limit 2 salmon.

(b) Effective immediately until further notice - All other waters of Area 8-2 open. Daily limit 2 salmon, except release chinook.

(6) Area 9:

(a) Salmon fishing open year-round from the Edmonds fishing pier. Daily limit 2 salmon, not more than one of which may be a chinook, release chum.

(b) Effective immediately until further notice - All other waters of Area 9 open. Daily limit 2 salmon, except release chinook and chum.

(7) Area 10:

(a) Salmon fishing open year-round from the Elliott Bay public fishing pier, Seacrest pier, Waterman pier, Bremerton boardwalk, and Illahee State Park pier. Daily limit 2 salmon, not more than one of which may be a chinook, release chum.

(c) Effective immediately until further notice, all other waters of Area 10 open with the following area rules, limits, and species restrictions - Daily limit 2 salmon, except release chinook and chum.

(i) Shilshole Bay east of a line from Meadow Point to West Point is closed.

(ii) Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge, south of a line projected true west from Battle Point, and west of a line projected true south from Point White. Daily limit 2 salmon, lawful to retain chinook, except release chum.

(iii) During the period immediately through August 31, Elliott Bay east of a line from West Point to Alki Point is closed, except immediately through August 20 - Open east of a line from Pier 91 to Duwamish Head Friday through Sunday of each week - Daily limit of 2 salmon, lawful to retain chinook, except release chum.

(iv) Terminal gear in waters of the East Duwamish Waterway between a line projected east along the path of SW Hanford Street on Harbor Island and a line projected east from the south tip of Harbor Island is restricted to bait suspended above the bottom from a float.

(8) Area 11:

(a) Salmon fishing open year-round from the Les Davis public fishing pier, Des Moines public fishing pier, Redondo public fishing pier, Dash Point dock, and Point Defiance Boathouse dock. Daily limit 2 salmon, not more than one of which may be a chinook.

(b) Effective immediately until further notice - All other waters of Area 11 open. Daily limit 2 salmon.

(9) Area 13:

(a) Salmon fishing open year-round from the Fox Island public fishing pier. Daily limit 2 salmon, not more than one of which may be a chinook, except release wild coho.

(b) All other waters of Area 13, open immediately until further notice Daily limit 2 salmon, except release wild coho.

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. August 18, 2006:

WAC 232-28-62100U Puget Sound salmon seasons.
(06-205)

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

WAC 232-28-62100V Puget Sound salmon seasons.

**WSR 06-17-107
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 06-210—Filed August 17, 2006, 4:15 p.m., effective August 21,
2006, 6:00 a.m.]

Effective Date of Rule: August 21, 2006, 6:00 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-24-04000B; 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: These rules are adopted at the recommendation of the Pacific Fisheries Management Council. Sufficient chinook remain in the quota to increase the vessel limit per opening to allow increased access. 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: August 17, 2006.

J. P. Koenings
Director

NEW SECTION

WAC 220-24-04000C 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:

August 19 through August 22, 2006;

August 26 through August 29, 2006;

September 2 through September 5, 2006;

September 9 through September 12, 2006;

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

(3) Landing and possession limit of 80 chinook and 40 marked coho per boat per entire open period for each opening from August 19 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. Minimum size for coho is 16 inches in length. No minimum size for pink, sockeye or chum salmon. All retained coho must have a healed adipose fin clip.

(4) Lawful troll gear is restricted to all legal troll gear with single point, single shank barbless hooks.

(5) 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.

(6) 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.

(7) 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.

(8) It is unlawful to fish in Salmon Management and Catch Reporting Areas 1, 2, 3 or 4 with fish on board taken south of Cape Falcon, Oregon, and all fish taken from Salmon Management and Catch Reporting Areas 1, 2, 3, and 4 must be landed before fishing south of Cape Falcon, Oregon.

(9) It is unlawful for wholesale dealers and trollers retailing their fish to fail to report their landing by 10:00 a.m. the day following landing. Ticket information can be telephoned in by calling 1-866-791-1279 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.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-04000B All-citizen commercial salmon troll. (06-185)

**WSR 06-17-108
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 06-211—Filed August 17, 2006, 4:16 p.m., effective August 17, 2006, 7:00 p.m.]

Effective Date of Rule: August 17, 2006, 7:00 p.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100W; 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 have been taken in the areas closed 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; 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: August 17, 2006.

J. P. Koenings
Director

NEW SECTION

WAC 220-52-05100X 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 1B, 1C, 2, 3 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 23A-C, 23A-E, 23A-W and 26D.

ii) Effective at 7:00 p.m. August 17, 2006 it is unlawful to harvest shrimp for commercial purposes in Marine Fish/Shellfish Management and Catch Reporting Areas 23A-S and 23D.

iii) Shrimp Management Areas 1B, 1C, 2-E, 2-W and Marine Fish/Shellfish Management and Catch Reporting Areas 23B, 25A and 25D are open to the harvest of shrimp species other than spot shrimp, except those waters in 25D 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 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 230 pounds per week from the combined areas of Marine Fish/Shellfish Management and Catch Reporting Areas 23A-S and 23D, or to exceed 100 pounds per week from Marine Fish/Shellfish Management

and Catch Reporting Area 23C, or to exceed 300 pounds per week from Shrimp Management Area 6 outside of Marine Fish-Shellfish Catch and Reporting Area 26D, 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.

(d) 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.

(e) 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(d) above.

(2) Shrimp beam trawl gear:

(a) That portion of Marine Fish-Shellfish Management and Catch Reporting Areas 21A north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island, and 22A, within Shrimp Management Area 1B, are 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.

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:00 p.m. August 17, 2006:

WAC 220-52-05100W Puget Sound shrimp beam trawl fishery—Season (06-198)

**WSR 06-17-109
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 06-212—Filed August 17, 2006, 4:17 p.m., effective August 21, 2006, 6:00 a.m.]

Effective Date of Rule: August 21, 2006, 6:00 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-07100A; 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: August 17, 2006.

J. P. Koenings
Director

NEW SECTION

WAC 220-52-07100B 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) Effective 6:00 a.m. August 21, 2006 until further notice, sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber Districts 1, 2 and 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 Saturday and Sunday of each week, except by written permission from the Director.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 a.m. August 21, 2006:

WAC 220-52-07100A Sea cucumbers. (06-166)

**WSR 06-17-110
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 06-213—Filed August 17, 2006, 4:18 p.m., effective August 17, 2006]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-50100R; and amending WAC 220-47-501.

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 provides for PSC a third day of authorized sockeye fishing in Areas 7 and 7A and enacts permanent regulation changes arising from North of Falcon agreements made by comanagers. The permanent regulation change package has been filed with the code reviser's office under expedited rule procedures, but the permanent regulation changes are not yet in effect. These emergency rules are necessary to initiate fisheries, which are scheduled to commence before those permanent rules will become effective. These fisheries are not expected to exceed chinook by-catch levels modeled during the preseason process. 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: August 17, 2006.

J. P. Koenings
Director

NEW SECTION

WAC 220-47-50100S Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, noti-

fication, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Areas 7 and 7A:

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

<u>Hours</u>	<u>Dates</u>
5:00 a.m. to 9:00 p.m. daily if using a Recovery Box during all fishing activities throughout the entire open period	August 18
9:00 a.m. to 9:00 p.m. daily if NOT using a Recovery Box during all fishing activities throughout the entire open period	August 18

(i) It is unlawful to retain chinook, coho, and chum salmon

(ii) It is unlawful to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net, meeting the specifications in WAC 22-47-325, prior to the seine net being removed from the water, except all salmon must be immediately sorted and those required to be released, must be placed in an operating recovery box or released into the water before the next haul may be brought on the deck. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.

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

Areas 7 and 7A:

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

<u>Hours</u>	<u>Dates</u>
8:00 a.m. to Midnight.	August 18

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

Reef Nets - Open to reef net gear according to the times, dates, and conditions as prescribed and listed here:

<u>Hours</u>	<u>Dates</u>
5:00 a.m. to 9:00 p.m.	August 19

It is unlawful to retain chinook salmon at all times, and it is unlawful to retain chum salmon and wild coho salmon prior to October 1. It is unlawful to fish for salmon with reef net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department issued certification card.

Areas 7B and 7C:

Purse Seines - (a) Open in Area 7B and 7C to purse seines during the following hours and dates:

6:00 a.m. to 8:00 p.m. August 23 and August 30.

(i) It is unlawful to retain sockeye or coho salmon, and any coho salmon caught must be released immediately.

(ii) It is unlawful to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net, meeting the specifications in WAC 220-47-325, prior to the seine net being removed from the water. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.

(iii) The 5-inch strip requirement is not in effect during these openings.

Gill Nets - Open to gill nets as follows:

<u>Areas</u>	<u>Mesh Size</u>	<u>Hours</u>	<u>Dates</u>
7B and 7C	7" minimum	7:00 p.m. August 20 to 7:00 a.m. August 21.	August 21.
		7:00 p.m. August 22 to 7:00 a.m. August 23.	August 23.
		7:00 p.m. August 24 to 7:00 a.m. August 25.	August 25.
		7:00 p.m. August 27 to 7:00 a.m. August 28.	August 28.
		7:00 p.m. August 29 to 7:00 a.m. August 30.	August 30.
		7:00 p.m. August 31 to 7:00 a.m. September 1	September 1

Area 9A:

Gill Nets - Open to gill nets using 5-inch minimum mesh as follows:

7:00 p.m. August 22 to 7:00 a.m. August 23.

7:00 p.m. August 24 to 7:00 a.m. August 25

7:00 a.m. August 27 through 8:00 p.m. October 28

It is unlawful to retain chum salmon in Area 9A prior to October 1 and unlawful to retain Chinook salmon at any time. Any salmon not to be retained must be released from the net by cutting the meshes ensnaring the fish.

All Other Saltwater and Freshwater Areas: Closed.

"Quick Reporting" Fisheries:

All fisheries opened under this section, and any fishery openings under authority of the Fraser Panel for sockeye or pink salmon in Areas 7 and 7A are designated as "Quick Reporting Required" fisheries.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-50100R Puget Sound all-citizen commercial salmon fishery. (06-204)

**WSR 06-17-121
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 06-215—Filed August 18, 2006, 2:14 p.m., effective August 21, 2006, 7:00 p.m.]

Effective Date of Rule: August 21, 2006, 7:00 p.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000R; 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 late-August fall commercial fishing period for 2006. Season is consistent with the 2005-2007 interim management agreement, the 2006 non-Indian allocation agreement and commercial sturgeon harvest guidelines adopted for 2006. Regulation is consistent with compact action of August 17, 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: August 18, 2006.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-33-01000R Columbia River season below Bonneville. Notwithstanding the provisions 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.

1. SEASON:

a. 8:00 p.m. Monday August 21 to 7:00 a.m. Tuesday August 22, 2006

b. 8:00 p.m. Thursday August 24 to 7:00 a.m. Friday August 25, 2006

2. AREA: SMCRA 1C, 1D and 1E on August 21-22 and SMCRA 1D, 1E on August 24-25.

3. GEAR: Drift gill nets only. Mono-filament gear is allowed. 9-inch minimum mesh and 9-3/4 inch maximum mesh.

4. ALLOWABLE SALE: Salmon and sturgeon. A maximum of seven white 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. Green sturgeon retention is prohibited.

5. SANCTUARIES: Cowlitz, Kalama-A, Lewis-A, Washougal and Sandy Rivers.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:01 a.m. August 25, 2006:

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

**WSR 06-17-122
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 06-214—Filed August 18, 2006, 2:15 p.m., effective August 21, 2006, 6:00 a.m.]

Effective Date of Rule: August 21, 2006, 6:00 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100A; 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 first four weeks of commercial fishing for the 2006 fall treaty Indian season. Continues to allow the sale of fish caught in platform and hook and line fishery in Zone 6. 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 and steelhead 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 August 17, 2006. Conforms state rule 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: August 18, 2006.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-32-05100B 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, walleye, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, and White Salmon River and Klickitat River, except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, steelhead, walleye, shad, carp, or sturgeon under the following provisions, pursuant to lawfully enacted tribal rules:

1) **Open Periods:** 6:00 a.m. August 21 to 6:00 p.m. August 24, 2006

6:00 a.m. August 28 to 6:00 p.m. September 1, 2006

6:00 a.m. September 5 to 6:00 p.m. September 9, 2006

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

b) Gear: Gill Nets. No mesh restriction August 21 through September 1. An 8-inch minimum mesh restriction in effect September 5-9.

c) Sanctuaries: All standard dam and river mouth sanctuaries are in effect.

d) Allowable sale: salmon, steelhead, walleye, shad, carp. Sockeye may be retained but not sold. Sturgeon may not be sold, but may be retained for subsistence purposes. Legal size limits for sturgeon retention are between 45 inches and 60 inches in the Bonneville Pool (SMCRA 1F) and between 48 inches and 60 inches in The Dalles and John Day pools (SMCRA 1G, 1H).

2) **Open Periods:** Effective immediately until further notice.

a) Open Areas: Those areas of SMCRA 1F, 1G, 1H, that are described in WAC 220-32-055 (2)(a).

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

c) Allowable sale: salmon, steelhead, walleye, shad, carp. Sockeye may be retained but not sold. Sturgeon may not be sold, but may be retained for subsistence purposes. Legal size limits for sturgeon retention are between 45 inches and 60 inches in the Bonneville Pool (SMCRA 1F) and between 48 inches and 60 inches in The Dalles and John Day pools (SMCRA 1G, 1H).

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: White Salmon and Klickitat rivers.

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

c) Allowable sale: salmon, steelhead, walleye, shad, carp. Sockeye may be retained but not sold. Sturgeon may not be sold, but may be retained for subsistence purposes. Legal size limits for sturgeon retention are between 45 inches and 60 inches in the Bonneville Pool (SMCRA 1F) and between 48 inches and 60 inches in The Dalles and John Day pools (SMCRA 1G, 1H).

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 a.m. August 21, 2006:

WAC 220-32-05100A Columbia River salmon seasons above Bonneville Dam. (06-183)

**WSR 06-17-123
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 06-216—Filed August 18, 2006, 3:42 p.m., effective August 19, 2006, 12:01 a.m.]

Effective Date of Rule: August 19, 2006, 12:01 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-50100S; and amending WAC 220-47-501.

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 provides for PSC a third day of authorized sockeye fishing in Areas 7 and 7A and enacts permanent regulation changes arising from North of Falcon agreements made by comanagers. The permanent regulation change package has been filed with the code reviser's office under expedited rule procedures, but the permanent regulation changes are not yet in effect. These emergency rules are necessary to initiate fisheries, which are scheduled to commence before those permanent rules will become effective. These fisheries are not expected to exceed chinook by-catch levels modeled during the preseason process. 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: August 18, 2006.

J. P. Koenings
Director

NEW SECTION

WAC 220-47-50100T Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Areas 7 and 7A:

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

<u>Hours</u>	<u>Dates</u>
5:00 a.m. to 9:00 p.m. daily if using a Recovery Box during all fishing activities throughout the entire open period	August 23
9:00 a.m. to 9:00 p.m. daily if NOT using a Recovery Box during all fishing activities throughout the entire open period	August 23

(i) It is unlawful to retain chinook, coho, and chum salmon

(ii) It is unlawful to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net, meeting the specifications in WAC 22-47-325, prior to the seine net being removed from the water, except all salmon must be immediately sorted and those required to be released, must be placed in an operating recovery box or released into the water before the next haul may be brought on the deck. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.

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

Areas 7 and 7A:

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

<u>Hours</u>	<u>Dates</u>
8:00 a.m. to Midnight.	August 23

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

Reef Nets - Open to reef net gear according to the times, dates, and conditions as prescribed and listed here:

<u>Hours</u>	<u>Dates</u>
5:00 a.m. to 9:00 p.m.	August 19 and 20

It is unlawful to retain chinook salmon at all times, and it is unlawful to retain chum salmon and wild coho salmon prior to October 1. It is unlawful to fish for salmon with reef net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department issued certification card.

Areas 7B and 7C:

Purse Seines - (a) Open in Area 7B and 7C to purse seines during the following hours and dates:

6:00 a.m. to 8:00 p.m. August 23 and August 30.

(i) It is unlawful to retain coho salmon, and any coho salmon caught must be released immediately.

(ii) It is unlawful to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net, meeting the specifications in WAC 220-47-325, prior to the seine net being removed from the water. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.

(iii) The 5-inch strip requirement is not in effect during these openings.

Gill Nets - Open to gill nets as follows:

<u>Areas</u>	<u>Mesh Size</u>	<u>Hours</u>	<u>Dates</u>
7B and 7C	7" minimum	7:00 p.m.	August 20 to 7:00 a.m. August 21.
		7:00 p.m.	August 22 to 7:00 a.m. August 23.
		7:00 p.m.	August 24 to 7:00 a.m. August 25.
		7:00 p.m.	August 27 to 7:00 a.m. August 28.
		7:00 p.m.	August 29 to 7:00 a.m. August 30.
		7:00 p.m.	August 31 to 7:00 a.m. September 1

Area 9A:

Gill Nets - Open to gill nets using 5-inch minimum mesh as follows:

7:00 p.m. August 22 to 7:00 a.m. August 23.

7:00 p.m. August 24 to 7:00 a.m. August 25

7:00 a.m. August 27 through 8:00 p.m. October 28

It is unlawful to retain chum salmon in Area 9A prior to October 1 and unlawful to retain Chinook salmon at any time. Any salmon not to be retained must be released from the net by cutting the meshes ensnaring the fish.

All Other Saltwater and Freshwater Areas: Closed.

"Quick Reporting" Fisheries:

All fisheries opened under this section, and any fishery openings under authority of the Fraser Panel for sockeye or pink salmon in Areas 7 and 7A are designated as "Quick Reporting Required" fisheries.

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. August 19, 2006:

WAC 220-47-50100S Puget Sound all-citizen commercial salmon fishery. (06-213)

**WSR 06-17-146
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 06-218—Filed August 22, 2006, 2:32 p.m., effective August 22, 2006]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100X; 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. Enough commercial spot shrimp quota remains in several areas in those areas. 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 Mak-

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

Date Adopted: August 22, 2006.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-52-05100Y 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 1B, 1C, 2, 3 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 23A-C, 23A-E, 23A-W and 26D, except as provided for in this section:

a. Marine Fish/Shellfish Management and Catch Reporting Area 23A-W (west) is open for spot shrimp effective 7:00 a.m. August 24, 2006 through 7:00 p.m., August 25, 2006, with a 142 pound weekly limit per fisher.

ii) It is unlawful to harvest spot shrimp for commercial purposes in Shrimp Management Areas 1B, 1C, 2-E, 2-W and Marine Fish/Shellfish Management and Catch Reporting Areas 23A-S, 23B, 23D and 25A, except as provided for in this section:

a. Shrimp Management Area 1B is open for spot shrimp effective 7:00 a.m. August 24, 2006 through 7:00 p.m., August 25, 2006, with a 105 pound weekly limit per fisher.

b. Shrimp Management Area 1C is open for spot shrimp effective 7:00 a.m. August 24, 2006 through 7:00 p.m., August 25, 2006, with a 167 pound weekly limit per fisher.

c. Those waters in 25D 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 to the harvest of all shrimp species.

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

(c) Effective immediately, 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 550 pounds per week from Marine Fish/Shellfish Management and Catch Reporting Area 23C, or to exceed 300 pounds per week from Shrimp Management Area 6 outside of Marine Fish-Shellfish Catch and Reporting Area 26D, 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.

(d) 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.

(e) 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(d) above.

(2) Shrimp beam trawl gear:

(a) That portion of Marine Fish-Shellfish Management and Catch Reporting Areas 21A north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island, and 22A, within Shrimp Management Area 1B, are 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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100X Puget Sound shrimp beam trawl fishery—Season (06-211)

**WSR 06-17-147
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 06-217—Filed August 22, 2006, 2:33 p.m., effective August 22, 2006]

Effective Date of Rule: Immediately.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900X and 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: The department is in the process of adopting permanent rules that are necessary to implement the personal use fishing plans agreed-to with resource comanagers at the North of Falcon proceedings. These interim personal use rules are necessary to cover the time period until those permanent rules become effective.

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 2.

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

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

Date Adopted: August 22, 2006.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 232-28-61900R Exceptions to statewide rules—2006 North of Falcon. Notwithstanding the provisions of WAC 232-28-619, it is unlawful to violate the following provisions, provided that unless otherwise amended all permanent rules remain in effect:

(1) Big Beef Creek (Kitsap County): Waters within 100 feet of the Seabeck Highway NW Bridge closed to all fishing immediately until further notice.

(2) Bogachiel River (Clallam County), from mouth to Olympic National Park boundary: Salmon: Open immediately until further notice, from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho and wild adult chinook.

(3) Calawah River (Clallam County), from mouth to forks: Salmon: Open immediately until further notice from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho and wild adult chinook.

(4) Dickey River (includes all forks) (Clallam County): Salmon: Open immediately until further notice, from mouth to East Fork Dickey, including Olympic National Park. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho and wild adult chinook.

(5) Elwha River (Clallam County), from mouth to Aldwell Lake Dam: closed to all fishing until further notice.

(6) Nisqually River (Pierce County):

(a) from mouth to Military Tank Crossing Bridge: Salmon: Open immediately until further notice. Daily limit 6 fish of which no more than 2 may be adult salmon, release wild adult chinook.

(b) from Military Tank Crossing Bridge to four hundred feet below LaGrande Powerhouse: Nonbuoyant lure restriction and night closure immediately until further notice.

(7) Nooksack River, South Fork (Skagit/Whatcom counties): from Saxon Road Bridge to Skookum Creek: Closed to all fishing immediately until further notice.

(8) Puyallup River (Pierce County): Salmon: Closed until further notice.

(9) Quilcene River (Jefferson County): From Rodgers Street to Highway 101: Night closure immediately until further notice. Immediately until further notice, only 1 single point barbless hook may be used. Salmon: Open immediately until further notice. Daily limit 4 coho. Only salmon hooked inside the mouth may be retained.

(10) Quillayute River (Clallam County): Salmon: Open immediately until further notice. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho and wild adult chinook.

(11) Skagit River (Skagit/Whatcom counties): From the mouth to mouth of Cascade River - Salmon: Closed until further notice.

(12) Skokomish River (Mason County), mouth to Highway 101 Bridge: Immediately until further notice, terminal gear (hooks, weights, lures, or baits) and line must not be within 25' of tribal gillnets.

(13) Skykomish River (Snohomish County): From mouth to forks - Salmon: Closed until further notice.

(14) Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries: Salmon: Closed until further notice.

(15) Sol Duc River (Clallam County): Salmon: Open immediately until further notice from mouth to concrete pump station. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho and wild adult chinook.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900X	Exceptions to statewide rules—2006 North of Falcon. (06-85)
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The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 1, 2006:

WAC 232-28-61900R	Exceptions to statewide rules—2006 North of Falcon.
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**WSR 06-17-157
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 06-220—Filed August 22, 2006, 4:26 p.m., effective August 22, 2006]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-50100T; and amending WAC 220-47-501.

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 restricts sockeye fishing in Areas 7 and 7A to address a weaker than expected summer sockeye run. It is currently estimated that the fishers have already exceeded the allowable harvest level for that stock. This regulation also enacts permanent regulation changes arising from North of Falcon agreements made by comanagers. The permanent regulation change package has been filed with the code reviser's office under expedited rule procedures, but the permanent regulation changes are not yet in effect. These emergency rules are necessary to initiate fisheries, which are scheduled to commence before those permanent rules will become effective. These fisheries are not expected to exceed chinook by-catch levels modeled during the preseason process. 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: August 22, 2006.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-47-50100U Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for or possess salmon taken

for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Areas 7 and 7A:

Purse Seines - Closed

Gill Nets - Closed

Reef Nets - Closed

Areas 7B and 7C:

Purse Seines - (a) Open in Area 7B and 7C to purse seines during the following hours and dates:

6:00 a.m. to 8:00 p.m. August 23 and August 30.

(i) It is unlawful to retain coho salmon, and any coho salmon caught must be released immediately.

(ii) It is unlawful to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net, meeting the specifications in WAC 220-47-325, prior to the seine net being removed from the water. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.

(iii) The 5-inch strip requirement is not in effect during these openings.

Gill Nets - Open to gill nets as follows:

<u>Areas</u>	<u>Mesh Size</u>	<u>Hours</u>	<u>Dates</u>
7B and 7C	7" minimum	7:00 p.m. August 22 to 7:00 a.m. August 23.	August 23.
		7:00 p.m. August 24 to 7:00 a.m. August 25.	August 25.
		7:00 p.m. August 27 to 7:00 a.m. August 28.	August 28.
		7:00 p.m. August 29 to 7:00 a.m. August 30.	August 30.
		7:00 p.m. August 31 to 7:00 a.m. September 1	September 1

Area 9A:

Gill Nets - Open to gill nets using 5-inch minimum mesh as follows:

7:00 p.m. August 22 to 7:00 a.m. August 23.

7:00 p.m. August 24 to 7:00 a.m. August 25

7:00 a.m. August 27 through 8:00 p.m. October 28

It is unlawful to retain chum salmon in Area 9A prior to October 1 and unlawful to retain Chinook salmon at any time. Any salmon not to be retained must be released from the net by cutting the meshes ensnaring the fish.

All Other Saltwater and Freshwater Areas: Closed.

"Quick Reporting" Fisheries:

All fisheries opened under this section, and any fishery openings under authority of the Fraser Panel for sockeye or pink salmon in Areas 7 and 7A are designated as "Quick Reporting Required" fisheries.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-50100T	Puget Sound all-citizen commercial salmon fishery. (06-216)
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WSR 06-17-178
EMERGENCY RULES
OFFICE OF THE
CODE REVISER

[Filed August 23, 2006, 10:22 a.m., effective August 23, 2006]

Effective Date of Rule: Immediately.

Purpose: The Washington state patrol accepts the filing of orders after the business hours of the office of the code reviser. The phone information in WAC 1-21-160 is incorrect and needs to be corrected. Also a clarification of the process of acceptance of filings by the Washington state patrol is necessary to assist state agencies and the Washington state patrol with the procedure of accepting these filings and with the delivery of these filings to the office of the code reviser.

Citation of Existing Rules Affected by this Order:
 Amending WAC 1-21-160.

Statutory Authority for Adoption: RCW 1.08.110 and 34.05.385.

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

Reasons for this Finding: A phone number correction and a clarification of procedures is immediately necessary to allow state agencies to effectively use the Washington state patrol for the acceptance of the filing of orders after business hours of the office of the code reviser.

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 1, Repealed 0.

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

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

Date Adopted: August 23, 2006.

K. Kyle Thiessen
 Code Reviser

AMENDATORY SECTION (Amending WSR 06-16-019, filed 7/24/06, effective 8/24/06)

WAC 1-21-160 Filing after office hours. The office of the code reviser is open for the filing of agency rule-making notices and orders from 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. The office of the code reviser delegates to the Washington state patrol the authority to accept at other times the filing of orders adopting, amending, or repealing rules when the nature of the order requires their immediate filing and/or effectiveness. To use this ser-

vice, the agency may telephone the ~~((capitol security unit of the))~~ Washington state patrol communications center at ~~((360) 753-2191 to))~~ 360-586-1999. When your call is answered, request a zone 4 trooper and arrange for receipt of the filing(s) ~~((by the state patrol))~~. The agency shall give the original and three copies of each filing to the trooper. The trooper shall mark each copy with the trooper's name, badge number, date, and time and arrange for all of the copies to be delivered to the office of the code reviser as early as possible on the next business day. The agency filing the rules with the state patrol shall notify the office of the code reviser of the filing by 9:00 a.m. on the next business day after ~~((the))~~ filing and arrange to receive the stamped copies.