

**WSR 06-19-001**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 06-232—Filed September 7, 2006, 8:09 a.m., effective September 7, 2006]

Effective Date of Rule: Immediately.

Purpose: Amend hunting rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-35400B; and amending WAC 232-28-354.

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 number of permits for these hunts must be increased to accommodate permit holders who were subject to errors during the initiation of a new electronic licensing system. The Centralia A and Centralia B elk special hunts are located on mining property and the hunt dates must be changed to accommodate the mine's work schedule and provide for the mine's safety. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: September 6, 2006.

J. P. Koenings  
 Director  
 by Larry Peck

NEW SECTION

**WAC 232-28-35400C 2006 Elk special permits.** (1) Notwithstanding the provisions of WAC 232-28-354, the number of permits to be issued for:

- (a) Crouse C elk special permit hunt is 26.
- (b) Cowiche A elk special permit hunt is 25.
- (c) Manastash A elk special permit hunt is 251.
- (d) Bumping B elk special permit hunt is 101.
- (e) Winston A elk special permit hunt is 13.
- (f) Ryderwood A elk special permit hunt is 33.
- (g) Mountain View D elk special permit hunt is 26.
- (h) Observatory C elk special permit hunt is 90.

(i) Rimrock D elk special permit hunt is 119.

(2) Notwithstanding the provisions of WAC 232-28-354, it is unlawful to hunt for Elk with a Special Elk Permit in Centralia Mine A and Centralia Mine B except as provided for in this section:

(a) Centralia Mine A special elk permit hunt dates are Oct. 21-22.

(b) Centralia Mine B special elk permit hunt dates are Oct. 28-29.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-35400B      2006 Elk special permits.  
 (06-228)

**WSR 06-19-002**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 06-233—Filed September 7, 2006, 8:10 a.m., effective September 7, 2006]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-04000C and 220-24-04000D; 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 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 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: September 6, 2006.

J. P. Koenings  
Director

#### NEW SECTION

**WAC 220-24-04000D 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:

September 8 through September 15, 2006;

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

(3) Landing and possession limit of 160 chinook and 80 marked coho per boat per entire open period. Chum retention is not allowed north of Cape Alava. 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 northeast/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 220-24-04000C All-citizen commercial salmon troll. (06-210)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 17, 2006:

WAC 220-24-04000D All-citizen commercial salmon troll.

#### **WSR 06-19-004**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF**

#### **FISH AND WILDLIFE**

[Order 06-234—Filed September 7, 2006, 11:30 a.m., effective September 7, 2006, 11:59 p.m.]

Effective Date of Rule: September 7, 2006, 11:59 p.m.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-25500G and 220-56-25500H; and amending WAC 220-56-255.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: The Columbia River (Ilwaco and Chinook) recreational halibut fishery has exceeded its Pacific halibut quota. 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 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: September 7, 2006.

J. P. Koenings  
Director

#### NEW SECTION

**WAC 220-56-25500H Halibut—Seasons—Daily and possession limits.** Notwithstanding the provisions of WAC 220-56-255, effective 11:59 p.m. September 7, 2006 until further notice it is unlawful to fish for or possess halibut taken for personal use except from the areas or in excess of the amounts provided for in this section:

(a) Catch Record Card Areas 1 through 4 - Closed.

(b) Effective immediately through September 30, 2006 when halibut fishing is closed in Catch Record Card Areas 3 and 4 it is unlawful to fish for or possess rockfish and lingcod seaward of a line approximating the 20-fathom depth contour as defined by the following coordinates:

Beginning at the Bonilla-Tatoosh line, at 48° 23.87' N; 124° 44.17' W

Then to 48° 23.60' N; 124° 44.90' W

Then to 48° 19.10' N; 124° 43.40' W

Then to 48° 18.20' N; 124° 46.40' W (intersection with 3-mile line)

Then follow the 3-mile line south to the Queets River (47° 31.70' N)

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. September 7, 2006:

WAC 220-56-25500G Halibut seasons—Daily and possession limits. (06-164)

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

WAC 220-56-25500H Halibut seasons—Daily and possession limits.

**WSR 06-19-011  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 06-235—Filed September 8, 2006, 1:24 p.m., effective September 11, 2006, 6:00 a.m.]

Effective Date of Rule: September 11, 2006, 6:00 a.m.  
Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100B; 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: Continues 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. Impacts to listed salmon are projected to be 11.6% through the end of this period, compared to the ESA guideline of 23.05%. 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 September 7, 2006. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent regulations.

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

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

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

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

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

Date Adopted: September 7, 2006.

J. P. Koenings  
Director  
by Larry Peck

#### NEW SECTION

**WAC 220-32-05100C 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. September 11 to 6:00 p.m. September 15, 2006

- a) Open Areas: SMCRA 1F, 1G, 1H,
- b) Gear: Gill Nets. 8-inch minimum mesh restriction.
- 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. September 11, 2006:

WAC 220-32-05100B	Columbia River salmon seasons above Bonneville Dam. (06-214)
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**WSR 06-19-012**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 06-226—Filed September 8, 2006, 1:25 p.m., effective September 8, 2006]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-40-027.

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 is necessary because an agreement was not reached during the expedited process at North of Falcon. Negotiations have continued and now we need to adopt our nontreaty commercial fishery regulations for the upcoming fall season. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Date Adopted: September 7, 2006.

J. P. Koenings  
Director  
by Larry Peck

#### NEW SECTION

**WAC 220-40-02700G Salmon—Willapa Bay fall fishery.** Notwithstanding the provisions of WAC 220-40-027, effective immediately through December 31, 2006 it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes except as described below:

#### **Fishing periods**

(1) Gill net gear may be used to fish for salmon and sturgeon. All non-legal sturgeon and steelhead must be handled with care to minimize injury to fish and released immediately to the river/bay:

Time	Area
6:00 p.m. September 17, through 6:00 p.m. September 23, 2006	Area 2G east of a line drawn true south from the most waterward exposed end of the rock jetty located near Washaway Beach, Area 2H west of Willapa Channel Marker 40, Area 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and Area 2M.
6:00 p.m. September 21, 2006, through 6:00 p.m. September 22, 2006, 6:00 p.m. September 28, 2006, through 6:00 p.m. September 29, 2006	Area 2K.
6:00 p.m. September 23, 2006, through 6:00 p.m. October 4, 2006	Area 2G east of a line drawn true south from the most waterward exposed end of the rock jetty located near Washaway Beach, Area 2H, Area 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and Area 2M.
6:00 a.m. October 22, 2006, through 6:00 p.m. October 22, 2006	Area 2G west of a line drawn true north-south through Willapa Channel Marker 10 and east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach but excluding the area southerly and easterly of a line from Island Sands Light to Ramsey Point, Area 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and Area 2M.
6:00 p.m. November 15, 2006, through 6:00 p.m. November 17, 2006	Area 2G east of a line drawn true south from the most waterward exposed end of the rock jetty located near Washaway Beach, Area 2H west of Willapa Channel Marker 40, Area 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2), and Area 2M.

Time	Area
Noon, November 6, 2006, through 6:00 p.m. November 15, 2006 and 6:00 p.m. November 17, 2006 through Noon November 30, 2006	Areas 2G, 2H, 2J and 2M

(2) The Tokeland Boat basin is closed to commercial fishing during the openings in SMCRA 2G described in this section. The Tokeland Boat basin means that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall and on the north and east by a line from the Tokeland Channel Marker "3" (flashing green, 4-second) to Tokeland Channel Marker "4" to the tip of the seawall.

**Gear**

(3) Gill net gear restrictions - All areas:

(a) Drift gill net gear only. It is unlawful to use set net gear.

(b) September 1 through October 4, 2006 - 6-inch maximum mesh, no more than 55 meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure breakaway panels.

(c) October 5 through October 31, 2006 - 6 1/2 inch maximum mesh.

(d) November 1 through November 30, 2006 - 9-inch minimum mesh except 6:00 p.m. November 15 through 6:00 p.m. November 17, 2006 (coho directed) use 6-inch maximum mesh, no more than 55 meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure breakaway panels

**Other**

(4) Quick Reporting required for wholesale dealers and fishers retailing their fish (WAC 220-69-240) by 10:00 a.m. the day following landing.

(5) The NOAA Fisheries listed the southern population of green sturgeon as threatened under the Endangered Species Act effective July 6, 2006. Most of the green sturgeon taken in Washington fisheries are from the southern population. It is unlawful to fish for, retain or possess Green sturgeon taken with commercial gear. Any Green sturgeon encountered must be released immediately unharmed.

**WSR 06-19-013  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 06-225—Filed September 8, 2006, 1:25 p.m., effective September 8, 2006]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-36-023.

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 because an agreement was not reached with our commander during the expedited process at North of Falcon. Negotiations have continued and now we need to adopt our non-treaty commercial fishery regulations for the upcoming fall season. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Date Adopted: September 8, 2006.

J. P. Koenings  
Director  
by Larry Peck

NEW SECTION

**WAC 220-36-02300H Grays Harbor salmon—Fall fishery.** Notwithstanding the provisions of WAC 220-36-023, effective immediately through December 31, 2006 it is unlawful to fish for salmon in Grays Harbor for commercial purposes except as described below:

**Fishing periods**

(1) Gill net gear may be used to fish for salmon and sturgeon. All non-legal sturgeon and steelhead must be handled with care to minimize injury to fish and released immediately:

Time:	Area:
7:30 a.m. October 8 through 6:30 p.m. October 8, 2006	2C
9:30 a.m. October 10 through 5:30 p.m. October 10, 2006,	That portion of Area 2A upstream from the Highway 101 Bridge at Aberdeen to a line projected from the Lakeside Industries asphalt plant tower at a right angle to the thread of the stream to the opposite shore.
9:30 a.m. October 11 through 5:30 p.m. October 11, 2006,	

Time:	Area:
10:30 a.m. October 12, 2006 through 6:30 p.m. October 12, 2006, and	AND That portion of Area 2D north and east of a line projected due south from the 28th street boat launch to Renney Island then southeasterly to Range Marker G then to the eastern boundary of Area 2D at the Highway 101 Bridge.
10:30 a.m. October 13, through 6:30 p.m. October 13, 2006	

(a) Drift gill net gear only. It is unlawful to use set net gear.

(b) 6-inch maximum mesh restriction, no more than 55 meshes deep.

(c) Soak time shall not exceed 45 minutes. Soak time, defined as the time elapsed from when the first of the gill net web is deployed into the water until the gill net web is fully retrieved from the water, must not exceed 45 minutes.

(d) Each boat will be required to have two operable recovery boxes or one box with two chambers, on board. Each box shall be operating during any time that the net is being retrieved or picked. The flow in the recovery box will be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39 1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches.

Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1 3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1 1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

(e) All chinook, non-legal sturgeon, and steelhead must be handled with care to minimize injury to fish and released immediately to the river/bay or to an operating recovery box.

(f) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released to the river/bay.

(g) All fish placed in recovery boxes must be released to the river/bay prior to landing or docking.

(h) Quick reporting is required for wholesale dealers and fishers retailing their fish (WAC 220-69-240).

(i) Fishers must take department observers if requested by WDFW staff when participating in these openings and provide Notice of Intent to Participate to Quick Reporting phone, fax or email, WAC 220-69-240 prior to 10:00 a.m. October 6th for the October 8th opening and prior to 10:00 a.m. October 9th for any of the October 10th through October 13th openings.

(j) The NOAA Fisheries listed the southern population of green sturgeon as threatened under the Endangered Species Act effective July 6, 2006. Most of the green sturgeon taken in Washington fisheries are from the southern population. It is unlawful to fish for, retain or possess Green sturgeon with commercial gear. Any Green sturgeon encountered must be released immediately unharmed.

**WSR 06-19-015**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 06-237—Filed September 8, 2006, 2:26 p.m., effective September 8, 2006]

Effective Date of Rule: Immediately.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-50100X; 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 rule is needed to repeal the existing emergency rule and revert to permanent rules which are now in 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 0, Amended 0, Repealed 1.

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

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

Date Adopted: September 8, 2006.

Morris W. Barker  
for Jeff Koenings  
Director

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-47-50100X	Puget Sound all-citizen commercial salmon fishery. (06-230)
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**WSR 06-19-016**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed September 8, 2006, 4:26 p.m., effective October 1, 2006]

Effective Date of Rule: October 1, 2006.

Purpose: Amend WAC 388-450-0185 Does the department count all of my income to determine my eligibility and benefits for Basic Food?, 388-450-0190 How does the department figure my shelter cost income deduction for Basic Food?, 388-450-0195 Utility allowances for Basic Food programs, 388-478-0060 What are the income limits and maximum benefit amounts for Basic Food?, 388-492-0040 Can I choose whether I get WASHCAP food benefits or Basic Food benefits?, and 388-492-0070 How are my WASHCAP food benefits calculated?; to update income, benefit, and deduction standards for the Washington Basic Food program and WASHCAP. These changes must be implemented effective October 1, 2006, to comply with federal requirements for the food stamp program.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0185, 388-450-0190, 388-450-0195, 388-478-0060, 388-492-0040, and 388-492-0070.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Other Authority: 7 C.F.R. § 273.9.

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

Reasons for this Finding: The United States Department of Agriculture, Food and Nutrition Service (FNS) publishes new income standards, maximum benefit amounts, standard deduction, and maximum shelter standards at the end of each federal fiscal year to be used in the next federal fiscal year effective for October benefits. In addition, FNS requires the department to adjust the standard utility allowance and standards used in calculating Washington combined application project (WASHCAP) benefits each year. These changes are implemented at the start of each federal fiscal year on October 1st. The department has filed proposed rule-making notices for these WAC sections under WSR 06-17-174 and 06-17-175. The hearing for these proposed amendments is on September 26, 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 6, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 6, Repealed 0.

Date Adopted: September 8, 2006.

Andy Fernando, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 05-21-101, filed 10/18/05, effective 11/18/05)

**WAC 388-450-0185 Does the department count all of my income to determine my eligibility and benefits for Basic Food?** We subtract the following amounts from your assistance unit's (AU's) countable income before we determine your Basic Food benefit amount:

(1) A standard deduction based on the number of people in your AU under WAC 388-408-0035:

Eligible and ineligible AU members	Standard deduction
1	\$134
2	\$134
3	\$134
4	\$ <del>(+34)</del> <u>139</u>
5	\$ <del>(+57)</del> <u>162</u>
6 or more	\$ <del>(+79)</del> <u>186</u>

(2) Twenty percent of your AU's gross earned income (earned income deduction);

(3) Your AU's expected monthly dependent care expense as described below:

(a) The dependent care must be needed for AU member to:

- (i) Keep work, look for work, or accept work;
- (ii) Attend training or education to prepare for employment; or
- (iii) Meet employment and training requirements under chapter 388-444 WAC.

(b) We subtract allowable dependent care expenses that are payable to someone outside of your AU:

- (i) Up to two hundred dollars for each dependent under age two; and
- (ii) Up to one hundred seventy-five dollars for each dependent age two or older.

(4) Medical expenses over thirty-five dollars a month owed or anticipated by an elderly or disabled person in your AU as allowed under WAC 388-450-0200.

(5) Legally obligated current or back child support paid to someone outside of your AU:

- (a) For a person who is not in your AU; or
- (b) For a person who is in your AU to cover a period of time when they were not living with you.

(6) A portion of your shelter costs as described in WAC 388-450-0190.

**AMENDATORY SECTION** (Amending WSR 05-21-101, filed 10/18/05, effective 11/18/05)

**WAC 388-450-0190 How does the department figure my shelter cost income deduction for Basic Food?** The

department calculates your shelter cost income deduction as follows:

(1) First, we add up the amounts your assistance unit (AU) must pay each month for shelter. We do not count any overdue amounts, late fees, penalties or mortgage payments you make ahead of time as an allowable cost. We count the following expenses as an allowable shelter cost in the month the expense is due:

- (a) Monthly rent, lease, and mortgage payments;
- (b) Property taxes;
- (c) Homeowner's association or condo fees;
- (d) Homeowner's insurance for the building only;
- (e) Utility allowance your AU is eligible for under WAC 388-450-0195;
- (f) Out-of-pocket repairs for the home if it was substantially damaged or destroyed due to a natural disaster such as a fire or flood;

(g) Expense of a temporarily unoccupied home because of employment, training away from the home, illness, or abandonment caused by a natural disaster or casualty loss if your:

- (i) AU intends to return to the home;
- (ii) AU has current occupants who are not claiming the shelter costs for Basic Food purposes; and
- (iii) AU's home is not being leased or rented during your AU's absence.

(2) Second, we subtract all deductions your AU is eligible for under WAC 388-450-0185 (1) through (5) from your AU's gross income. The result is your AU's net income.

(3) Finally, we subtract one-half of your AU's net income from your AU's total shelter costs. The result is your excess shelter costs. Your AU's shelter cost deduction is the excess shelter costs:

- (a) Up to a maximum of four hundred seventeen dollars if no one in your AU is elderly or disabled; or
- (b) The entire amount if an eligible person in your AU is elderly or disabled, even if the amount is over four hundred seventeen dollars.

**AMENDATORY SECTION** (Amending WSR 06-10-056, filed 5/1/06, effective 6/1/06)

**WAC 388-450-0195 Utility allowances for Basic Food programs.** (1) For Basic Food, "utilities" include the following:

- (a) Heating or cooling fuel;
- (b) Electricity or gas;
- (c) Water or sewer;
- (d) Well or septic tank installation/maintenance;
- (e) Garbage/trash collection; and
- (f) Telephone service.

(2) The department uses the amounts below if you have utility costs separate from your rent or mortgage payment. We add your utility allowance to your rent or mortgage payment to determine your total shelter costs. We use total shelter costs to determine your Basic Food benefits.

(a) If you have heating or cooling costs, you get a standard utility allowance (SUA) that depends on your assistance unit's size.



Assistance Unit (AU) Size	Utility Allowance
1	\$ <del>((307))</del> <u>298</u>
2	\$ <del>((316))</del> <u>307</u>
3	\$ <del>((325))</del> <u>316</u>
4	\$ <del>((334))</del> <u>325</u>
5	\$ <del>((344))</del> <u>334</u>
6 or more	\$ <del>((353))</del> <u>343</u>

(b) If your AU does not qualify for the SUA and you have any two utility costs listed above, you get a limited utility allowance (LUA) of two hundred ~~((forty-two))~~ thirty-eight dollars.

(c) If your AU has only telephone costs and no other utility costs, you get a telephone utility allowance (TUA) of ~~((thirty-nine))~~ thirty-eight dollars.

AMENDATORY SECTION (Amending WSR 05-21-101, filed 10/18/05, effective 11/18/05)

**WAC 388-478-0060 What are the income limits and maximum benefit amounts for Basic Food?** If your assistance unit (AU) meets all other eligibility requirements for Basic Food, your AU must have income at or below the limits in column B and C to get Basic Food, unless you meet one of the exceptions listed below. The maximum monthly food assistance benefit your AU could receive is listed in column D.

EFFECTIVE 10-1-~~((05))~~2006

Column A Number of Eligible AU Members	Column B Maximum Gross Monthly Income	Column C Maximum Net Monthly Income	Column D Maximum Allotment	Column E 165% of Poverty Level
1	\$ <del>((1037))</del> <u>1062</u>	\$ <del>((798))</del> <u>817</u>	\$ <del>((152))</del> <u>155</u>	\$ <del>((1316))</del> <u>1348</u>
2	<del>((1390))</del> <u>1430</u>	<del>((1070))</del> <u>1100</u>	<del>((278))</del> <u>284</u>	<del>((1765))</del> <u>1815</u>
3	<del>((1744))</del> <u>1799</u>	<del>((1341))</del> <u>1384</u>	<del>((399))</del> <u>408</u>	<del>((2213))</del> <u>2283</u>
4	<del>((2097))</del> <u>2167</u>	<del>((1613))</del> <u>1667</u>	<del>((506))</del> <u>518</u>	<del>((2661))</del> <u>2750</u>
5	<del>((2450))</del> <u>2535</u>	<del>((1885))</del> <u>1950</u>	<del>((601))</del> <u>615</u>	<del>((3109))</del> <u>3218</u>
6	<del>((2803))</del> <u>2904</u>	<del>((2156))</del> <u>2234</u>	<del>((722))</del> <u>738</u>	<del>((3558))</del> <u>3685</u>
7	<del>((3156))</del> <u>3272</u>	<del>((2428))</del> <u>2517</u>	<del>((798))</del> <u>816</u>	<del>((4006))</del> <u>4153</u>
8	<del>((3509))</del> <u>3640</u>	<del>((2700))</del> <u>2800</u>	<del>((912))</del> <u>932</u>	<del>((4454))</del> <u>4620</u>
9	<del>((3863))</del> <u>4009</u>	<del>((2972))</del> <u>3084</u>	<del>((1026))</del> <u>1049</u>	<del>((4903))</del> <u>5088</u>
10	<del>((4217))</del> <u>4378</u>	<del>((3244))</del> <u>3368</u>	<del>((1140))</del> <u>1166</u>	<del>((5532))</del> <u>5556</u>
Each Additional Member	<del>((354))</del> <u>369</u>	<del>((272))</del> <u>284</u>	<del>((114))</del> <u>117</u>	<del>((449))</del> <u>468</u>

Exceptions:

(1) If your AU is categorically eligible as under WAC 388-414-0001, your AU does not have to meet the gross or net income standards in columns B and C. We do budget your AU's income to decide the amount of Basic Food your AU will receive.

(2) If your AU includes a member who is sixty years of age or older or has a disability, your income must be at or below the limit in column C only.

(3) If you are sixty years of age or older and cannot buy and cook your own meals because of a permanent disability, we will use column E to decide if you can be a separate AU.

(4) If your AU has zero income, your benefits are the maximum allotment in column D, based on the number of eligible members in your AU.

AMENDATORY SECTION (Amending WSR 05-18-036, filed 8/30/05, effective 10/1/05)

**WAC 388-492-0040 Can I choose whether I get WASHCAP food benefits or Basic Food benefits?** You can choose to have Basic Food benefits instead of WASHCAP food benefits when:

(1) Your nonutility shelter costs as defined in WAC 388-450-0190 (1)(a) through (d) are more than five hundred ~~((forty-four))~~ sixty-seven dollars a month;

(2) Your out-of-pocket medical expenses are more than thirty-five dollars a month; or

(3) You chose to have Basic Food benefits instead of WASHCAP benefits prior to January 1, 2005.

AMENDATORY SECTION (Amending WSR 05-17-155, filed 8/22/05, effective 10/1/05)

**WAC 388-492-0070 How are my WASHCAP food benefits calculated?** We calculate your food benefits as follows:

(1) We begin with your gross income.

(2) We subtract one hundred thirty-four dollars from your gross income to get your countable income.

(3) We figure your shelter cost based on information we receive from Social Security Administration (SSA), unless you report a change as described under WAC 388-492-0080. If you pay:

(a) Three hundred (~~(twenty-nine)~~) forty-two dollars or more a month for shelter, we use three hundred (~~(forty)~~) fifty-four dollars as your shelter cost; or

(b) Less than three hundred (~~(twenty-nine)~~) forty-two dollars for shelter, we use one hundred (~~(sixty-four)~~) seventy-one dollars as your shelter cost; and

(c) We add the current limited utility allowance under WAC 388-450-0195 to determine your total shelter cost.

(4) We figure your shelter deduction by subtracting one half of your countable income from your shelter cost.

(5) We figure your net income by subtracting your shelter deduction from your countable income and rounding the resulting figure up from fifty cents and down from forty-nine cents to the nearest whole dollar.

(6) We figure your WASHCAP food benefits (allotment) by:

(a) Multiplying your net income by thirty percent and rounding up to the next whole dollar; and

(b) Subtracting the result from the maximum allotment under WAC 388-478-0060.

(c) If you are eligible for WASHCAP, you will get at least ten dollars in food benefits each month.

### WSR 06-18-028

#### EMERGENCY RULES

#### DEPARTMENT OF

#### FISH AND WILDLIFE

[Order 06-236—Filed September 12, 2006, 10:27 a.m., effective September 12, 2006]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000U and 220-33-01000V; 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: Delays the opener in the Knappa Slough select area for one more week, due to concern about meeting escapement at Big Creek Hatchery. Impacts to ESA-listed stocks in these fisheries are covered under the biological opinion for the interim management agreement. Harvestable salmon and sturgeon are available. The season is consistent with the 2005-2007 interim management agreement and the 2006 non-Indian allocation agreement. Regulation is consistent with compact action of September 11, 2006. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Date Adopted: September 12, 2006.

J. P. Koenings  
Director

### NEW SECTION

**WAC 220-33-01000V 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. **Blind Slough/Knappa Slough Select Area.**

a. OPEN AREA: Blind Slough fishing area includes all waters from markers at the mouth of Gnat Creek located approximately 0.5 mile upstream of the county road bridge downstream to markers at the mouth of Blind Slough. Concurrent waters extend downstream of the railroad bridge. Knappa Slough fishing area includes all waters bounded by a line from the north marker at the mouth of Blind Slough, westerly to a marker on Karlson Island, downstream to boundary lines defined by markers on the west end of Minaker Island to markers on Karlson Island and the Oregon shore. An area closure of about a 100-foot radius at the mouth of Big Creek defined by markers. All waters in Knappa Slough are under concurrent jurisdiction.

b. SEASON: Tuesday, Wednesday, and Thursday nights from September 12 through September 15 **EXCEPT Knappa Slough closed September 12-15** and Monday, Tuesday, Wednesday, and Thursday nights from September 18 through October 27, 2006. Open hours are 7:00 p.m. to 7:00 a.m.

from September 12 through September 15 and 6:00 p.m. to 8:00 a.m. thereafter.

c. GEAR: Gillnet. Monofilament gear is allowed. 6-inch maximum mesh size. Maximum net length of 100 fathoms. No weight restriction on lead line. Use of additional weights or anchors attached directly to the lead line is allowed.

### 2. Tongue Point/South Channel Select Area.

a. OPEN AREA: Tongue Point fishing area includes all waters bounded by a line from a marker midway between the red USCG navigation light #2 at the tip of Tongue Point and the downstream (northern most) pier (#8) at the Tongue Point Job Corps facility, to the flashing green USCG navigation light #3 on the rock jetty at the west end of Mott Island, a line from a marker at the southeast end of Mott Island northeasterly to a marker on the northwest tip of Lois Island, and a line from a marker on the southwest end of Lois Island westerly to a marker on the Oregon shore. All waters are under concurrent jurisdiction. South Channel area includes all waters bounded by a line from a marker on John Day Point through the green USCG buoy #7 to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to the flashing red USCG marker #10, northwesterly to a marker on Burnside Island defining the upstream terminus of South Channel. All waters are under concurrent jurisdiction.

b. SEASON: Tuesday, Wednesday, and Thursday nights from September 12 through September 15 and Monday, Tuesday, Wednesday, and Thursday nights from September 18 through October 27, 2006. Open hours are 7:00 p.m. to 7:00 a.m. from September 5 through September 15 and 4:00 p.m. to 8:00 a.m. thereafter.

c. GEAR: Gillnet. Monofilament gear is allowed. 6-inch maximum mesh. In the Tongue Point area: Net length maximum of 250 fathoms, and weight not to exceed two pounds on any one fathom on the lead line. Participants in the Tongue Point fishery may have stored onboard their boats gill nets with leadline in excess of two pounds per any one fathom. In the South Channel area: Net length maximum of 100 fathoms, and no weight restriction on lead line. Use of additional weights or anchors attached directly to the lead line is allowed.

### 3. Deep River Select Area.

a. OPEN AREA: Deep River fishing area includes all waters downstream of the town of Deep River to the mouth defined by a line from USCG navigation marker #16 southwest to a marker on the Washington shore. Concurrent waters extend downstream of the Highway 4 bridge

b. SEASON: Monday Tuesday, Wednesday, and Thursday nights from September 11 through October 27, 2006. Open hours are 7:00 p.m. to 7:00 a.m. from September 11 through September 22 and 4:00 p.m. to 8:00 a.m. thereafter.

c. GEAR: Monofilament gear is allowed. The mesh size is restricted to 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on the lead line. Use of additional weights or anchors attached directly to the lead line is allowed. Nets may not be tied off to stationary structures. Nets may not fully cross the navigation channel

4. ALLOWABLE SALES: Applies to all seasons stated in items 1-3: Salmon and sturgeon. A maximum of five white sturgeon may be possessed or sold by each vessel participat-

ing each calendar week (Sunday through Saturday). The possession and sales limit includes mainstem and Select Area fisheries. Green sturgeon retention is prohibited.

5. MISCELLANEOUS REGULATIONS: Applies to all seasons stated in items 1-3: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

**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 220-33-01000U Columbia River season  
below Bonneville. (06-229)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. October 28, 2006:

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

### WSR 06-19-031 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 06-238—Filed September 13, 2006, 9:41 a.m., effective September 13, 2006]

Effective Date of Rule: Immediately.

Purpose: Amend personal use fishing rules.

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

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: These lakes are scheduled for rehabilitation utilizing rotenone. 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: September 13, 2006.

J. P. Koenings  
Director

#### NEW SECTION

**WAC 232-28-61900S Exceptions to statewide rules—Alkali Lake, Blue Lake, Long Lake, Mirror Lake, McDowell Lake, Park Lake, Pearrygin Lake, Vic Meyers (Rainbow) Lake.** Notwithstanding the provisions of WAC 232-28-619:

(1) Alkali Lake (Grant Co.) - Effective October 23 through December 31, 2006 - Closed to fishing.

(2) Blue Lake (Grant Co.) - Effective immediately through October 22, 2006, it is lawful to fish in those waters of Blue Lake. Size and daily limit for gamefish: none.

(3) Long Lake (Okanogan Co.) - Effective immediately through October 1, 2006, it is lawful to fish in those waters of Long Lake. Size and daily limit for gamefish: none.

(4) McDowell Lake (Stevens Co.) - Effective immediately through October 1, 2006, it is lawful to fish in those waters of McDowell Lake. Size and daily limit for gamefish: none. Catch and release and selective gear rules do not apply. Fishing from a floating device equipped with a motor prohibited. Effective October 2, 2006 until further notice - Closed to fishing.

(5) Mirror Lake (Grant Co.) - Effective immediately through October 29, 2006, it is lawful to fish in those waters of Mirror Lake. Size and daily limit for gamefish: none.

(6) Park Lake (Grant Co.) - Effective immediately through October 29, 2006, it is lawful to fish in those waters of Park Lake. Size and daily limit for gamefish: none.

(7) Pearrygin Lake (Okanogan Co.) Effective immediately through October 8, 2006, it is lawful to fish in those waters of Pearrygin Lake. Size and daily limit for gamefish: none.

(8) Vic Meyers (Rainbow) Lake (Grant Co.) - Effective immediately through October 29, 2006, it is lawful to fish in those waters of Vic Meyers Lake. Size and daily limit for gamefish: none.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. January 1, 2007:

WAC 232-28-61900S	Exceptions to statewide rules—Alkali Lake, Blue Lake, Long Lake, Mirror Lake, McDowell Lake, Park Lake, Pearrygin Lake, Vic Meyers (Rainbow) Lake.
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**WSR 06-19-034  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 06-239—Filed September 13, 2006, 4:20 p.m., effective September 15, 2006, 12:01 a.m.]

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

Purpose: Amend personal use fishing rules.

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

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: The Columbia River fall chinook runs size is below expectations and impacts of the ESA listed Snake River wild fall chinook allowed for the main-stem sport fishery are expected to be met. Rule is consistent with actions of the joint WDFW/ODFW sport hearing on September 13, 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: September 13, 2006.

Morris W. Barker  
for Jeff Koenings  
Director

#### NEW SECTION

**WAC 232-28-61900T Exceptions to statewide rules—Columbia River.** Notwithstanding the provisions of WAC 232-28-619:

(1) Effective 12:01 a.m. September 15 through December 31, 2006, it is unlawful to retain Chinook salmon in those waters of the Columbia River from the Rocky Point/Tongue Point line upstream to Bonneville Dam.

(2) Effective 12:01 a.m. September 16 through December 31, 2006, it is unlawful to retain Chinook salmon in those waters of the Columbia River from Bonneville Dam upstream to the Highway 395 bridge in Pasco.

REPEALER

The following section of the Washington Administrative Code is repealed effective January 1, 2007:

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

**WSR 06-19-042**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 06-241—Filed September 14, 2006, 4:22 p.m., effective September 14, 2006]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100Z; 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. The remaining spot shrimp quota areas have been closed in this regulation to protect egg bearing females. 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: September 14, 2006.

Morris W. Barker  
for Jeff Koenings  
Director

NEW SECTION

**WAC 220-52-05100A Puget Sound shrimp pot and beam trawl fishery—Season.** Notwithstanding the provisions of WAC 220-52-051, effective immediately until fur-

ther 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 shrimp species other than spot shrimp 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, 26D and 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.

(b) 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.

(c) 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(b) 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 220-52-05100Z Puget Sound shrimp beam trawl fishery—Season (06-231)

**WSR 06-19-043**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 06-243—Filed September 15, 2006, 8:21 a.m., effective September 18, 2006, 12:01 a.m.]

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

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000V and 220-33-01000W; 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 first late fall commercial fishing period in the mainstem Columbia River. Impacts to ESA-listed stocks in these fisheries are covered under the biological opinion for the interim management agreement. Harvestable salmon and sturgeon are available. The season is consistent with the 2005-2007 interim management agreement and the 2006 non-Indian allocation agreement. Regulation is consistent with compact action of September 14, 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 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: September 14, 2006.

Morris W. Barker  
for Jeff Koenings  
Director

**NEW SECTION**

**WAC 220-33-01000W 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. Mainstem Columbia River**

a. OPEN AREA: SMCRA 1A, 1B, 1C, 1D, 1E

b. SEASON: 8:00 p.m. Tuesday, September 19 to 8:00 a.m. Wednesday, September 20, 2006

c. GEAR: 8-inch minimum mesh size. Drift gillnets only. Monofilament gear is allowed.

d. SANCTUARIES: Elokomin-A, Abernathy, Cowlitz, Kalama-A, Lewis-A, Sandy and Washougal.

**2. Blind Slough/Knappa Slough Select Area.**

a. OPEN AREA: Blind Slough fishing area includes all waters from markers at the mouth of Gnat Creek located approximately 0.5 mile upstream of the county road bridge downstream to markers at the mouth of Blind Slough. Concurrent waters extend downstream of the railroad bridge. Knappa Slough fishing area includes all waters bounded by a line from the north marker at the mouth of Blind Slough, westerly to a marker on Karlson Island, downstream to boundary lines defined by markers on the west end of Minaker Island to markers on Karlson Island and the Oregon shore. An area closure of about a 100-foot radius at the mouth of Big Creek defined by markers. All waters in Knappa Slough are under concurrent jurisdiction.

b. SEASON: Monday, Tuesday, Wednesday, and Thursday nights from September 18 through October 27, 2006. Open hours are 6:00 p.m. to 8:00 a.m.

c. GEAR: Gillnet. Monofilament gear is allowed. 6-inch maximum mesh size. Maximum net length of 100 fathoms. No weight restriction on lead line. Use of additional weights or anchors attached directly to the lead line is allowed.

**3. Tongue Point/South Channel Select Area.**

a. OPEN AREA: Tongue Point fishing area includes all waters bounded by a line from a marker midway between the red USCG navigation light #2 at the tip of Tongue Point and the downstream (northern most) pier (#8) at the Tongue Point Job Corps facility, to the flashing green USCG navigation light #3 on the rock jetty at the west end of Mott Island, a line from a marker at the southeast end of Mott Island northeasterly to a marker on the northwest tip of Lois Island, and a line from a marker on the southwest end of Lois Island westerly to a marker on the Oregon shore. All waters are under concurrent jurisdiction. South Channel area includes all waters bounded by a line from a marker on John Day Point through the green USCG buoy #7 to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to the flashing red USCG marker #10, northwesterly to a marker on Burnside Island defining the upstream terminus of South Channel. All waters are under concurrent jurisdiction.

b. SEASON: Monday, Tuesday, Wednesday, and Thursday nights from September 18 through October 27, 2006. Open hours are 4:00 p.m. to 8:00 a.m.

c. GEAR: Gillnet. Monofilament gear is allowed. 6-inch maximum mesh. In the Tongue Point area: Net length maximum of 250 fathoms, and weight not to exceed two pounds on any one fathom on the lead line. Participants in the Tongue Point fishery may have stored onboard their boats gill nets with leadline in excess of two pounds per any one fathom. In the South Channel area: Net length maximum of 100 fathoms, and no weight restriction on lead line. Use of additional weights or anchors attached directly to the lead line is allowed.

**4. Deep River Select Area.**

a. OPEN AREA: Deep River fishing area includes all waters downstream of the town of Deep River to the mouth defined by a line from USCG navigation marker #16 south-west to a marker on the Washington shore. Concurrent waters extend downstream of the Highway 4 bridge

b. SEASON: Monday Tuesday, Wednesday, and Thursday nights from September 18 through October 27, 2006. Open hours are 7:00 p.m. to 7:00 a.m. through September 22 and 4:00 p.m. to 8:00 a.m. thereafter.

c. GEAR: Monofilament gear is allowed. The mesh size is restricted to 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on the lead line. Use of additional weights or anchors attached directly to the lead line is allowed. Nets may not be tied off to stationary structures. Nets may not fully cross the navigation channel.

5. ALLOWABLE SALES: Applies to all seasons stated in sections 1-4: Salmon and sturgeon. A maximum of eight white sturgeon may be possessed or sold by each vessel participating each calendar week (Sunday through Saturday). The possession and sales limit includes mainstem and Select Area fisheries. Green sturgeon retention is prohibited.

6. MISCELLANEOUS REGULATIONS: Applies to all seasons stated in sections 1-4: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

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

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 18, 2006:

WAC 220-33-01000V Columbia River season below Bonneville. (06-236)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. October 28, 2006:

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

**WSR 06-19-044  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 06-242—Filed September 15, 2006, 8:22 a.m., effective September 18, 2006, 6:00 a.m.]

Effective Date of Rule: September 18, 2006, 6:00 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100C; 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: Adds two additional weeks to the 2006 fall treaty Indian commercial fishery. 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. Impacts to listed Snake River wild chinook are projected to be 19% through the end of this period, compared to the ESA guideline of 23.04%. 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 September 14, 2006. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent regulations.

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

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

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

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

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

Date Adopted: September 14, 2006.

Morris W. Barker  
for Jeff Koenings  
Director

**NEW SECTION**

**WAC 220-32-05100D 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. September 18 to 6:00 p.m. September 22, 2006

6:00 a.m. September 25 to 6:00 p.m. September 29, 2006

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

b) Gear: Gill Nets. 8-inch minimum mesh restriction.

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.

**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 6:00 a.m. September 18, 2006:

WAC 220-32-05100C Columbia River salmon seasons above Bonneville Dam. (06-235)

**WSR 06-19-059  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 06-240—Filed September 18, 2006, 2:06 p.m., effective September 18, 2006]

Effective Date of Rule: Immediately.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900G and 232-28-61900U; 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: Selective gear rules for the Tieton River was inadvertently omitted when the permanent rule was filed. This is in the process of a permanent correction and 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 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: September 18, 2006.

J. P. Koenings  
Director  
by Larry Peck

NEW SECTION

**WAC 232-28-61900U Exceptions to statewide rules—Tieton River (Yakima Co.)** Notwithstanding the provisions of WAC 232-28-619, effective immediately until further notice, Selective Gear Rules are in effect in those waters of the Tieton River.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900G Exceptions to statewide rules—Tieton River (Yakima Co.) (06-119)

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

WAC 232-28-61900U Exceptions to statewide rules—Tieton River (Yakima Co.)



**WSR 06-19-060**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 06-244—Filed September 18, 2006, 2:07 p.m., effective October 1, 2006, 8:00 a.m.]

Effective Date of Rule: October 1, 2006, 8:00 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 220-52-040 and 220-52-046.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: The state may not authorize commercial shellfish harvests absent agreed planning or compliance with a process. The provisions of this rule are in conformity with agreed plans with applicable tribes which have been entered as required by court order. The pot limit for the commercial crab fishery in the Puget Sound licensing district is to maintain commercial harvest allocation plans. There is insufficient time to promulgate permanent rule.

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

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

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

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

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

Date Adopted: September 18, 2006.

J. P. Koenings  
 Director  
 by Larry Peck

NEW SECTION

**WAC 220-52-04000X Commercial crab fishery—Lawful and unlawful gear, methods, and other unlawful acts.** Notwithstanding the provisions of WAC 220-52-040:

(1) Dungeness crab pots may be deployed between 8:00 a.m. October 1, 2006 and 7:59 a.m. October 3, 2006 in Puget Sound waters from a vessel not designated on a persons Puget Sound crab license provided that the primary or alternate operator designated on the license is on board the non-designated vessel ("barge" vessel), and provided prior notice has been given as indicated below.

(2) The license holder must leave a telephone message at the LaConner office, (360) 466-4345, extension 245, with the following information:

- a) Name and license number of license owner.
- b) Name of designated primary operator if different from license owner.
- c) Name of alternate operator if used to deploy pots from a non-designated vessel.
- d) Buoy brand number and number of pots to be deployed from a non-designated vessel.
- e) Name and identification numbers (WN and/or Coast Guard) of the non-designated vessel.

(3) No commercial crab pots are allowed to be set, pulled or fished west of the 123°6.5' longitude line projected from the new Dungeness light due south to the shore of Dungeness Bay.

NEW SECTION

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

1) It will be lawful to fish for Dungeness crab for commercial purposes in the following areas:

Effective 8:00 a.m. October 1, 2006 until further notice, that portion of Catch Area 26A east of a line projected from the outermost tip of the ferry dock at Mukilteo projected to the green #3 buoy at the mouth of the Snohomish River and west of a line projected from that #3 buoy southward to the oil boom pier on the shoreline.

2) The following area is closed to commercial crab fishing:

Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of the 123° 6.5' longitude line projected from the new Dungeness light due south to the shore of Dungeness Bay.

(3) Effective 8:00 a.m. October 1, 2006 until further notice, it is unlawful for any person to fish for crabs for commercial purposes with more than 75 pots per license, per buoy tag number in Crab Management Region 1 (which includes Marine Fish Shellfish Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, and 22B), and Region 2 East (which includes Marine Fish Shellfish Catch Reporting Areas 24A, 24B, 24C, 24D, 26A-E). The remaining 25 buoy tags per license must be onboard the designated vessel and available for inspection in the pot-limited areas.

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

**WSR 06-19-081**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 06-245—Filed September 19, 2006, 10:56 a.m., effective October 1, 2006, 8:00 a.m.]

Effective Date of Rule: October 1, 2006.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04000X and 220-52-04600Q; and amending WAC 220-52-040 and 220-52-046.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: The state may not authorize commercial shellfish harvests absent agreed planning or compliance with a process. The provisions of this rule are in conformity with agreed plans with applicable tribes which have been entered as required by court order. The pot limit for the commercial crab fishery in the Puget Sound licensing district is to maintain commercial harvest allocation plans. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Date Adopted: September 19, 2006.

J. P. Koenings  
Director  
by Larry Peck

NEW SECTION

**WAC 220-52-04000Y Commercial crab fishery—Lawful and unlawful gear, methods, and other unlawful acts.** Notwithstanding the provisions of WAC 220-52-040:

(1) Dungeness crab pots may be deployed between 8:00 a.m. October 1, 2006 and 7:59 a.m. October 3, 2006 in Puget Sound waters from a vessel not designated on a persons Puget Sound crab license provided that the primary or alternate operator designated on the license is on board the non-designated vessel ("barge" vessel), and provided prior notice has been given as indicated below.

(2) The license holder must leave a telephone message at the LaConner office, (360) 466-4345, extension 245, with the following information:

- a) Name and license number of license owner.
- b) Name of designated primary operator if different from license owner.
- c) Name of alternate operator if used to deploy pots from a non-designated vessel.

d) Buoy brand number and number of pots to be deployed from a non-designated vessel.

e) Name and identification numbers (WN and/or Coast Guard) of the non-designated vessel.

(3) No commercial crab pots are allowed to be set, pulled or fished west of the 123°6.5' longitude line projected from the new Dungeness light due south to the shore of Dungeness Bay.

(4) Effective 8:00 a.m. October 1, 2006 until further notice, it is unlawful for any person to fish for crabs for commercial purposes with more than 75 pots per license, per buoy tag number in Crab Management Region 1 (which includes Marine Fish Shellfish Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, and 22B), and Region 2 East (which includes Marine Fish Shellfish Catch Reporting Areas 24A, 24B, 24C, 24D, 26A-E). The remaining 25 buoy tags per license must be onboard the designated vessel and available for inspection in the pot-limited areas.

NEW SECTION

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

(1) It will be lawful to fish for Dungeness crab for commercial purposes in the following areas:

Effective 8:00 a.m. October 1, 2006 until further notice, that portion of Catch Area 26A east of a line projected from the outermost tip of the ferry dock at Mukilteo projected to the green #3 buoy at the mouth of the Snohomish River and west of a line projected from that #3 buoy southward to the oil boom pier on the shoreline.

(2) The following area is closed to commercial crab fishing:

Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of the 123°6.5' longitude line projected from the new Dungeness light due south to the shore of Dungeness Bay.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 220-52-04000X Commercial crab fishery—Lawful and unlawful gear, methods, and other unlawful acts. (06-244)
- WAC 220-52-04600Q Crab fishery—Seasons and areas. (06-244)

**WSR 06-19-085**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Disability Services Administration)  
[Filed September 19, 2006, 12:24 p.m., effective September 19, 2006]  
Effective Date of Rule: Immediately.

Purpose: New WAC 388-106-1315, clarifies a long-term care client's right to an administrative hearing:

- If their in-home personal care hours approved as an exception to rule are reduced or terminated; or
- If their increased residential payment rate approved as an exception to rule is reduced or terminated.

Statutory Authority for Adoption: RCW 74.08.090, chapters 74.39, 74.39A RCW.

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

Reasons for this Finding: The due process clause of the fourteenth amendment to the United States Constitution and federal statutory and regulatory requirements (42 U.S.C. 1396 (a)(3) and 42 C.F.R. 431.200, et seq.) necessitate that opportunity for a fair hearing be afforded in the situations identified in the proposed rule. The department is currently out of compliance with these requirements of federal law. The proposed rule is necessary to bring the department into compliance with federal law. Because the department is out of compliance with requirements of federal law and the rule will bring the department into compliance, immediate adoption is necessary. This filing continues the emergency rule filed as WSR 06-11-151 while the department completes adoption of permanent rules initiated under WSR 06-11-084. DSHS is planning on filing a CR-102 on this WAC by October.

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

Number of Sections Adopted at 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 1, Amended 0, Repealed 0.

Date Adopted: September 19, 2006.

Andy Fernando, Manager  
Rules and Policies Assistance Unit

#### NEW SECTION

**WAC 388-106-1315 Do I have a right to an administrative hearing if my in-home personal care hours approved as an exception to rule are reduced or terminated or if my increased residential payment rate approved as an exception to rule is reduced or terminated?** Notwithstanding WAC 388-440-0001(3), you have a right to an administrative hearing regarding the department's exception to rule decision if:

- (1) You receive services in your own home, and:

(a) The total number of in-home personal care hours you are currently receiving includes in-home personal care hours approved as an exception to rule in addition to the number of in-home care hours determined to be available to you by CARE; and

(b) The total number of in-home personal care hours you are currently receiving is reduced because of a reduction or termination in the number of in-home personal care hours approved as an exception to rule.

- (2) You receive services in a residential facility, and:

(a) The total residential payment rate you are currently receiving includes a rate approved as an exception to rule in addition to the residential payment rate assigned to the classification group in which CARE has placed you; and

(b) The total residential payment rate you are currently receiving is reduced because of a reduction or termination in the rate approved as an exception to rule.

#### **WSR 06-19-111**

##### **EMERGENCY RULES**

#### **UNIVERSITY OF WASHINGTON**

[Filed September 20, 2006, 9:56 a.m., effective September 28, 2006]

Effective Date of Rule: September 28, 2006.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Per RCW 34.05.350(2), the University of Washington is actively undertaking permanent rule making for these rules as evidenced by its preproposal statement of inquiry (WSR 06-10-016) filed April 24, 2006, and the appointment of a smoking rule revision task force which has been studying the rules and recently completed its recommendations.

Purpose: To amend the University of Washington's smoking policy and related rules in chapter 478-136 WAC consistent with the newly enacted provisions of I-901 (chapter 70.160 RCW).

Citation of Existing Rules Affected by this Order: Amending WAC 478-136-012 and 478-136-030.

Statutory Authority for Adoption: RCW 28B.20.130 and chapter 70.160 RCW.

Other Authority: University of Washington Board of Regent's Standing Orders, Chapter 1, Section 2.

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

Reasons for this Finding: Immediate adoption of the University of Washington's amended smoking policy is necessary to comply with the newly enacted I-901, Washington Clean Indoor Air Act (chapter 70.160 RCW). These emergency rules are adopted to protect students, faculty, staff, and visitors from exposure to second-hand smoke in their university-associated environments and to protect life and property against fire hazards.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 2, 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 2, Repealed 0.

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

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

Date Adopted: September 15, 2006.

Rebecca Goodwin Dearthoff  
Director of Rules Coordination

**AMENDATORY SECTION** (Amending WSR 02-06-020, filed 2/25/02, effective 3/28/02)

**WAC 478-136-012 Definitions.** (1) "Facilities" includes all structures, grounds, parking lots, waterfront, and airspace owned or operated by the University of Washington. Specific rules also apply to parking lots, bicycle and skateboard use (chapter 478-116 WAC), boat moorage facilities (chapter 478-138 WAC and *University Handbook*, Volume 4, Part VII, Chapter 3, Section 2), residence halls (chapter 478-156 WAC), airspace use (*University Handbook*, Volume 4, Part VII, Chapter 3, Section 5), nonuniversity speakers on campus (*University Handbook*, Volume 4, Part VII, Chapter 3, Section 4), (~~smoking (*University Handbook*, Volume 4, Part VII, Chapter 6.)~~) and use of facilities by the Associated Students University of Washington (ASUW), Graduate and Professional Student Senate (GPSS), and other affected organizations (*University Handbook*, Volume 3, Part III, Chapter 5).

(2) "Use of facilities" includes, but is not limited to: The holding of events, the posting and removal of signs, all forms of advertising, commercial activities, and charitable solicitation.

(3) "Approved event" means a use of university facilities which has received preliminary approval from an academic or administrative unit and which has received final approval from the committee on the use of university facilities.

**AMENDATORY SECTION** (Amending WSR 06-13-021, filed 6/13/06, effective 7/14/06)

**WAC 478-136-030 Limitations on use.** (1) Freedom of expression is a highly valued and indispensable quality of university life. However, university facilities may not be used in ways which obstruct or disrupt university operations, the freedom of movement, or any other lawful activities. Additionally, use of university facilities may be subject to reasonable time, place and manner restrictions.

(2) University facilities may be used for events and forums regarding ballot propositions and/or candidates who

have filed for public office so long as the event has received preliminary approval by an administrative or academic unit and final approval by the committee on the use of university facilities. There are, however, certain limitations on the use of university facilities for these political activities.

(a) First priority for the use of campus facilities shall be given to regularly scheduled university activities.

(b) University facilities may be used for political purposes such as events and forums regarding ballot propositions and/or candidates who have filed for public office only when the full rental cost of the facility is paid. However, use of state funds for payment of facility rental costs is prohibited.

(c) Forums or debates may be scheduled at full facility rental rates if all parties to a ballot proposition election or all candidates who have filed for office for a given position, regardless of party affiliation, are given equal access to the use of facilities within a reasonable time.

(d) No person shall solicit contributions on university property for political uses, except in instances where this limitation conflicts with applicable federal law regarding interference with the mails.

(e) Public areas outside university buildings may be used for political purposes such as events and forums regarding ballot propositions and/or candidates who have filed for public office, excluding solicitation of funds, provided the other normal business of the university is not disrupted and entrances to and exits from buildings are not blocked.

(f) University facilities or services may not be used to establish or maintain offices or headquarters for political candidates or partisan political causes.

(3) University facilities may not be used for private or commercial purposes such as sales, advertising, or promotional activities unless such activities serve an educational purpose, as determined by the committee on the use of university facilities.

(4) Nothing in these rules is intended to alter or affect the regular advertising, promotional, or underwriting activities carried on, by, or in the regular university media or publications. Policies concerning advertising, promotional or underwriting activities included in these media or publications are under the jurisdiction of and must be approved by their respective management or, where applicable, advisory committees, in accordance with applicable state and federal laws.

(5) In accordance with WAC 478-136-010, the university will make its facilities available only for purposes related to the educational mission of the university, as determined by the committee on the use of university facilities, including but not limited to instruction, research, public assembly, and student activities. When permission is granted to use university facilities for approved instructional or related purposes, as a condition of approval, the user of university facilities agrees to include in all materials nonendorsement statements in the form approved by the committee on the use of university facilities. "Materials" includes all communications, advertisement, and any other printed, electronic, or broadcast/telecast information related to the user's activities offered in university facilities. The committee will determine the content, size of print and placement of the nonendorsement language. The university will not make its facilities

available for instructional or related purposes that compete with courses or programs offered by the university.

(6) Solicitation, or distribution of handbills, pamphlets and similar materials by anyone, whether a member of the university community or of the general public, is not permitted in those areas of campus to which access by the public is restricted or where such solicitation or distribution would significantly impinge upon the primary business being conducted.

(7) Solicitation and distribution of materials in university residence halls are governed by residence hall policies. No solicitation of a commercial nature is permitted in university residence halls. Commercial advertising may be allowed, and is restricted to certain designated areas of each residence hall, when it is related to the university's mission and approved by the department of housing and food services.

(8) Electronic amplification on the grounds of the campus is prohibited with the following exceptions:

(a) The lawn area immediately west of the Husky Union Building will be available for open-air speaking events using directional and volume-controlled speech amplification equipment provided by the university. Use of the Husky Union Building lawn site will be available to registered or official student organizations and faculty or staff groups on a first-come, first-served basis. The amplification system will be issued upon presentation of a currently valid student, faculty or staff identification card at the Husky Union Building Reservation Office.

(b) The committee on the use of university facilities may grant permission, under special circumstances, for the use of other amplification equipment on the lawn site west of the Husky Union Building or in other outdoor locations. Permission should be requested through:

University of Washington  
Secretary to the Committee on the  
Use of University Facilities  
239M Gerberding Hall  
Box 351241  
Seattle, WA 98195-1241

(or phone: 206-543-9233), sufficiently in advance of the program to allow timely consideration.

(9)(a) No person may use university facilities to camp, except if permission to do so has been granted in accordance with the provisions of chapters 478-116 and 478-136 WAC or except as provided in (b) of this subsection. "Camp" means to remain overnight, to erect a tent or other shelter, or to use sleeping equipment, a vehicle, or a trailer camper, for the purpose of or in such ways as will permit remaining overnight. Violators are subject to arrest and criminal prosecution under applicable state, county and city laws.

(b) This provision does not prohibit use of the university residence facilities in accordance with chapter 478-156 WAC or the use of facilities where the employee remains overnight to fulfill the responsibilities of his or her position or where a student remains overnight to fulfill the requirements of his or her course of study.

(10) Within the limits of applicable laws, the University of Washington is committed to establishing and maintaining safe conditions for persons attending football games in

Husky Stadium or other athletic events or concerts in campus facilities. Accordingly, the rules enumerated below will apply to all such events and be strictly enforced.

(a) The possession or consumption of alcoholic beverages or illegal drugs is prohibited, except for alcohol allowed under a permit or license obtained under subsection (13) of this section. In addition to having the beverages or drugs confiscated, violators may be subject to university disciplinary action and/or legal proceedings, and removal from the events.

(b) Air horns, glass bottles, cans, picnic baskets, bota bags, ice chests, and thermoses (in excess of two-quart capacity) are prohibited. Individuals possessing such will not be admitted to, or will be removed from, Husky Stadium or other athletic or concert facilities until the items have been stored temporarily at locations provided for that purpose or disposed of in some other manner.

(c) Except for designated outdoor smoking sites, as provided in WAC 478-136-035, smoking is prohibited in ((the seating areas of)) all portions of all athletic stadia, including, but not limited to, the seating areas, public concourses, and enclosed and covered spaces. ((Smoking is permitted on pedestrian concourses.))

(d) All persons entering events in Husky Stadium or other athletic venues or events in other campus auditoria or facilities shall be subject to having all containers, bags, backpacks, coolers, or similar items visually inspected. Security personnel shall first ask permission to visually inspect the item and advise the person that he/she may refuse. Persons who refuse to allow inspection shall be allowed to return the item to a vehicle or otherwise dispose of it, after which admission shall be allowed. Persons who refuse the visual inspection and refuse to dispose of the item shall be denied entry.

(11) Only public service announcements and acknowledgment of sponsors will be allowed on scoreboards at athletic venues.

(a) For purposes of this section, a public service announcement is defined as an announcement which promotes the activities or services of federal, state or local governments, including the University of Washington, or non-profit organizations, or generally contributes to the community's welfare and interests.

(b) In acknowledgment of their sponsorship of the scoreboards or sponsorship of events and programs, sponsors may propose public service announcements for display on the scoreboard during athletic events. The public service announcement may be accompanied by a sponsor's name or logo, but in keeping with university policy may not directly promote the products or services of the company. The text and graphics of public service announcements must be submitted at least three days in advance to the department of intercollegiate athletics for approval by the university.

(c) In addition to these public service announcements, sponsors also may be acknowledged by the display of corporate logos, trademarks, or other approved messages upon panels located on the scoreboard.

(12) ~~((The University of Washington is committed to maintaining a safe and healthful work and educational environment for all faculty, staff, students, and visitors. Accord-~~

ingly, the University of Washington establishes the following smoking policy to protect nonsmokers from exposure to smoke in their university-associated environments and to protect life and property against fire hazards:

(a) ~~Except as provided in subsections (10)(c) and (12)(b) of this section, smoking is prohibited in all university vehicles, inside all buildings owned or occupied by the university and/or used by the university's faculty, staff or students and at any outside areas or locations that may directly or indirectly affect the air supply of buildings or carry smoke into buildings.~~

(b) ~~Smoking may be permitted in student rooms in university residence halls and apartments in university student housing in accordance with smoking regulations established for those facilities by the vice president for student affairs.~~

(c) ~~The director of environmental health and safety may designate specific outdoor locations as no smoking areas.~~

(d) ~~Any student, staff, or faculty member who violates the university smoking policy may be subject to disciplinary action. In addition, violations of the university smoking policy may be subject to enforcement by the University of Washington police department.~~

(13)) Alcoholic beverages may be possessed, sold, served, and consumed at university facilities only if the procedures set forth in this section are followed.

(a) The appropriate permits/licenses for possession, sale, service, and consumption of alcohol must be obtained from the Washington state liquor control board.

(b) Permits/licenses must be displayed during the event and all other guidelines and restrictions established by the Washington state liquor control board must be followed.

(c) Alcoholic beverages may be possessed, sold, served, and consumed at the faculty center, as so designated by the university board of regents to the Washington state liquor control board, pursuant to a spirits, beer, and wine private club license issued by the Washington state liquor control board.

(d) Alcoholic beverages may be possessed, sold, served, and consumed at university facilities leased to a commercial tenant under a lease that includes authorization for the tenant to apply and hold a license issued by the Washington state liquor control board.

(e) Except as provided in (c) and (d) of this subsection, alcoholic beverages may be possessed, sold, served, and consumed at university facilities only under permits/licenses issued by the Washington state liquor control board and only as follows:

(i) Events at which alcohol is to be sold must be approved by the committee on the use of university facilities and an application to the committee must be accompanied by a request for written authorization under (f) of this subsection or proof that the seller holds an appropriate license; and

(ii) Events at athletic venues at which alcohol is to be possessed, sold, served, or consumed must not be within the spectator viewing areas and must have restricted attendance, and a university unit, or an individual or organization applying for a permit/license must have obtained approval under (f) of this subsection; and

(iii) A university unit, or an individual or organization applying for a permit/license must have obtained approval under (f) of this subsection; and

(iv) Sale, service, and consumption of alcohol is to be confined to specified room(s) or area(s) specified on the license or permit. Unopened containers may not be sold or served. No alcohol is permitted to be taken off-premises.

(f) Written authorization to apply for a special occasion license to sell alcoholic beverages or a banquet permit to serve and consume alcoholic beverages at university facilities must be obtained from the committee on the use of university facilities prior to applying for a special occasion license or banquet permit from the Washington state liquor control board. Authorization should be requested through the University of Washington, secretary to the committee on the use of university facilities, sufficiently in advance of the program to allow timely consideration. (Note: Some license applications must be filed with the Washington state liquor control board at least thirty days or more before the event.) Written authorization to apply for such a permit/license shall accompany the application filed with the Washington state liquor control board.

(g) Consumption, possession, dispensation, or sale of alcohol is prohibited except for persons of legal age.

#### NEW SECTION

**WAC 478-136-035 No smoking policy for university facilities.** (1) The University of Washington is committed to maintaining a safe and healthful work and educational environment for all faculty, staff, students, and visitors. Accordingly, the University of Washington establishes the following no smoking policy, consistent with chapter 70.160 RCW (I-901), to protect individuals from exposure to second-hand smoke in their university-associated environments and to protect life and property against fire hazards.

(a) Except as provided in subsection (1)(b) and (c) of this section, smoking of all kinds is prohibited in all university facilities, including, but not limited to, vehicles, inside all buildings owned, occupied, or managed by the university and/or used by the university's faculty, staff, students, or visitors, and at any outside areas or locations, including, but not limited to, bus shelters, benches, and walkways.

(b) Smoking, while not permitted in on-campus residence halls, may be permitted in a limited portion of designated university student housing in accordance with smoking regulations established for those facilities by the vice-provost for student life.

(c) Smoking may be permitted in specific designated outdoor locations approved by the director of environmental health and safety as smoking areas in accordance with chapter 70.160 RCW and published on the environmental health and safety web site. Signage also identifies the designated locations.

(2) Violations of the university smoking policy are subject to enforcement by the University of Washington police department or other jurisdictional law enforcement agencies with regulatory responsibility. In addition, any student, staff, or faculty member who violates the university no smoking policy may be subject to disciplinary action.