

WSR 07-16-008
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 07-146—Filed July 18, 2007, 4:24 p.m., effective July 18, 2007, 4:24 p.m.]

Effective Date of Rule: Immediately.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-25500T; 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: This rule conforms to federal action taken by Pacific Fisheries Management Council. There is sufficient recreational halibut quota to provide for additional fishing in Marine Area 1. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: July 18, 2007.

J. P. Koenings
Director

NEW SECTION

WAC 220-56-25500U Halibut—Seasons—Daily and possession limits. (1) Notwithstanding the provisions of WAC 220-56-255, effective immediately until further notice, it is unlawful to fish for or possess halibut taken for personal use, except as provided in this section:

(a) Catch Record Card Area 1 - Open August 3, 2007, until further notice, except closed to fishing for halibut 12:01 a.m. of each Monday through 11:59 p.m. of each Thursday. By-catch restriction: It is unlawful during any vessel trip to bring into port or land bottomfish except sablefish or Pacific Cod if the vessel has brought halibut into port or landed halibut during that trip.

(b) Catch Record Card Area 2 - Closed.

(c) Catch Record Card Areas 3 and 4 - Open only 12:01 a.m. through 11:59 p.m. July 22, 2007.

(i) Effective immediately until further notice, on days when halibut fishing is closed in Catch Record Card Areas 3, and 4, unless otherwise provided, it is unlawful to fish for or possess bottomfish seaward of a line approximating the 20-fathom depth contour as defined by the following coordinates:

48° 23.9' N.; 124° 44.2' W.

48° 23.6' N.; 124° 44.9' W.

48° 18.6' N.; 124° 43.6' W.

48° 18.6' N.; 124° 48.2' W.

48° 10.0' N.; 124° 48.8' W.

48° 02.4' N.; 124° 49.3' W.

47° 37.6' N.; 124° 34.3' W.

47° 31.7' N.; 124° 32.4' W.

(ii) The following area southwest of Cape Flattery is closed to fishing for halibut at all times:

Beginning at 48°18'N., 125°18'W.

48°18'N., 124°59'W.; thence to

48°11'N., 124°59'W.; thence to

48°11'N., 125°11'W., thence to

48°04'N., 125°11'W., thence to

48°04'N., 124°59'W.; thence to

48°N., 124°59'W.; thence to

48°N., 125°18'W.; thence to point of origin.

(d) Catch Record Card Areas 6 through 11 and Catch Record Card Area 13 - Closed.

(e) Catch Record Card Area 5 - Open through August 3, 2007, except closed to fishing for halibut 12:01 a.m. of each Tuesday through 11:59 p.m. of each Wednesday.

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

REPEALER

The following section of the Washington Administrative code is repealed:

WAC 220-56-25500T	Halibut—Seasons—Daily and possession limits. (07-142)
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WSR 07-16-009
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 07-147—Filed July 19, 2007, 8:54 a.m., effective July 21, 2007, 6:00 a.m.]

Effective Date of Rule: July 21, 2007, 6:00 a.m.

Purpose: Amend personal use rules.

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

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: Reiter Ponds Hatchery has collected enough steelhead brood stock to meet egg-take goals. The early opening of the closed area will provide additional recreational opportunities. 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: July 19, 2007.

J. P. Koenings
Director

NEW SECTION

WAC 232-28-61900G Exceptions to statewide rules—Skykomish River (Reiter Ponds) (Skykomish Co.) Notwithstanding the provisions of WAC 232-28-619, effective 6:00 a.m. July 21, 2007, until further notice, a person may fish for and possess gamefish in those waters of the Skykomish River in the Skykomish Rearing Ponds (Reiter Ponds) area from 1500 feet upstream to 1000 feet downstream of the ponds outlet. Fishing from a floating device is prohibited. Night closure and non-buoyant lure restriction in effect.

WSR 07-16-015

EMERGENCY RULES

SECRETARY OF STATE

[Filed July 19, 2007, 3:16 p.m., effective July 22, 2007]

Effective Date of Rule: July 22, 2007.

Purpose: Establish fees and internal agency procedures for registration of state registered domestic partnerships under chapter 156, Laws of 2007.

Citation of Existing Rules Affected by this Order: Repealing WAC 434-110-060 and 434-110-075 (these sections were duplicated in earlier revisions to our fee WAC); and amending WAC 434-112-010, 434-112-085, and 434-112-090.

Statutory Authority for Adoption: Sections (3), (5) and (6), chapter 156, Laws of 2007.

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: Chapter 156, Laws of 2007, requires the office of the secretary of state to set fees for registration and termination of state registered domestic partnerships. Emergency adoption is necessary to ensure that the office is able to process registrations without delay upon the effective date of the new law.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 3, Repealed 0.

Number of Sections Adopted at 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 2.

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

Date Adopted: July 18, 2007.

Steve Excell
Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 04-04-018, filed 1/23/04, effective 2/23/04)

WAC 434-112-010 Services provided by the corporations division and charities program. (1) The corporations division includes the corporations program and the charities program.

(2) The corporations program provides the following services:

(a) Business filings under chapters 18.100, 23.78, 23.86, 23.90 RCW, and Titles 23B and 25 RCW;

(b) Nonprofit organization filings under Title 24 RCW;

(c) Trademark registration under chapter 19.77 RCW;

(d) Certification authority licensing under chapter 19.34 RCW, the Electronic Authentication Act;

(e) Registration of international student exchange programs under chapter 19.166 RCW;

(f) Registration under the Immigration Assistant Practices Act, chapter 19.154 RCW;

(g) Apostilles under RCW 42.44.180;

(h) Agent for service of process on motorists under RCW 46.64.040;

(i) Agent for service of process on defendants in actions for recovery of damages for motor vehicle theft, as authorized by chapter 393, Laws of 2007;

(j) Agent for service of process for those entities and under those circumstances listed in ~~((subsection (2))~~(a), (b), and (c) of this ~~((section))~~ subsection.

(k) Registration of state registered domestic partnerships under chapter 156, Laws of 2007.

(3) The charities program provides the following services:

(a) Registrations under the Charitable Solicitations Act, chapter 19.09 RCW including:

- (i) Charitable organizations;
- (ii) Commercial fund-raisers; and
- (iii) Fund-raising contracts;

(b) Registration of charitable trusts under chapter 11.110 RCW;

(c) Publication of the trust directory; and

(d) Agent for service of process for those entities and under those circumstances listed in ~~((subsection (3))~~(a) and (b) of this ~~((section))~~ subsection.

AMENDATORY SECTION (Amending WSR 04-04-018, filed 1/23/04, effective 2/23/04)

WAC 434-112-085 Fees and penalties. (1) For Washington registered profit domestic and foreign corporations, including profit cooperative associations, employee cooperative associations, limited liability companies, limited partnerships, Massachusetts trusts and limited liability partnerships, fees and penalties are as follows:

(a) Articles of incorporation, certificates of formation, partnership agreements and other original filings, one hundred seventy-five dollars;

(b) Articles of amendment, restatement, correction, or revocation of dissolution, thirty dollars;

(c) License renewal with required annual report filed after due date and before administrative dissolution, penalty fee of twenty-five dollars, plus the statutory fee of fifty dollars and the department of licensing handling fee of nine dollars;

(d) Reinstatement, one hundred dollars plus all delinquent license or annual fees and a twenty-five percent penalty computed on the total amount;

(e) Articles of merger or exchange, twenty dollars for each listed company;

(f) Resignation of registered agent, twenty dollars;

(g) Resignation of officer or director, an initial report or amended annual report, and the appointment or change of registered agent or change of registered address, ten dollars;

(h) Registration, reservation, or transfer of name, thirty dollars;

(i) Articles of dissolution, certificate of withdrawal, dissolution by judicial decree, or revocation of certificate of authority by either failure to renew or judicial decree, no fee;

(j) Agent's consent to act as agent, agent's resignation if appointed without consent, or annual report when filed concurrently with annual license fee, no fee; and

(k) Other statement or report filed, ten dollars.

(2) For Washington registered domestic and foreign non-profit corporations, nonprofit miscellaneous and mutual corporations, building corporations, and other associations and

corporations under Title 24 RCW, fees and penalties are as follows:

(a) Articles of incorporation and other original filings, thirty dollars;

(b) Articles of amendment, restatement, or correction, twenty dollars;

(c) Articles of dissolution or certificate of withdrawal, no fee;

(d) Revocation of dissolution, twenty dollars;

(e) Reinstatement following administrative dissolution, thirty dollars plus all delinquent annual fees and a five-dollar penalty;

(f) Articles of merger or exchange, twenty dollars for each listed corporation;

(g) Resignation of officer or director, an initial report or amended annual report, the appointment or change of registered agent, or change of registered address, ten dollars;

(h) Resignation of registered agent, twenty dollars;

(i) Registration, reservation, or transfer of reservation of name, twenty dollars;

(j) Certificate of election adopting provisions of chapter 24.03 RCW as described in RCW 24.03.017, thirty dollars; and

(k) Other statement or report filed, ten dollars.

(3) For registering trademarks for use within the state, the fees are as follows:

(a) For a five-year registration or renewal, fifty dollars for each class in which the trademark is registered;

(b) For recording the assignment of a trademark and its registration or application for registration, ten dollars;

(c) For a new certificate with the name of the new assignee, five dollars;

(d) For reservation of a trademark for one hundred eighty days, thirty dollars for each class in which the trademark is reserved;

(e) For amendment of a trademark to add new classes of goods or services, fifty dollars for each class added by the amendment;

(f) Cancellation of trademark, no fee; and

(g) Other statement or report filed, ten dollars.

(4) For registration of a declaration of state registered domestic partnership, or registration of a notice of termination of state registered domestic partnership, fifty dollars each.

(5) Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

AMENDATORY SECTION (Amending WSR 04-04-018, filed 1/23/04, effective 2/23/04)

WAC 434-112-090 Miscellaneous fees. (1) For photocopies, fees are as follows:

(a) Each annual report, five dollars;

(b) ~~((Application for registration))~~ Initial articles of incorporation, initial certificate of formation, other initial organizing document or any single document, ten dollars;

(c) ~~((Application and amended notices))~~ Articles of incorporation, certificate of formation, other organizing doc-

uments including all subsequent amendments and restatements, twenty dollars;

(d) Copy of ~~((annual notice))~~ any filing related to a state registered domestic partnership, five dollars;

(e) Surcharge for files exceeding one hundred pages of copy, thirteen dollars for each fifty-page increment (number of pages determined by weight of copies);

(2) For certificates of existence fees are as follows:

(a) With complete historical data, under embossed seal, thirty dollars;

(b) Computer generated twenty dollars;

(c) Duplicate certificate twenty dollars.

(3) For additional certificates of registration or termination of a state registered domestic partnership, five dollars. For an additional or replacement state registered domestic partnership wallet card, ten dollars.

(4) For verifying the signature of a notary or public official for an apostille or certification authenticating a sworn document, the fee is fifteen dollars. This includes:

(a) A ten-dollar fee for verifying the signature of a notary or public official; and

(b) A five-dollar fee for providing a certificate under seal pursuant to RCW 47.03.120 (1)(b).

~~((4))~~ (5) For each certified copy of any document the fee is ten dollars plus a ten-dollar copy fee per document.

~~((5))~~ (6) For any service of process the fee is fifty dollars.

~~((6))~~ (7) Dishonored checks. If a person, corporation or other submitting entity has attempted to pay any fee due to the secretary of state by means of a check, and the check is dishonored by the financial institution when presented, the secretary of state will impose a twenty-five-dollar penalty, payable to the secretary of state.

In the event a valid replacement check and dishonor charge is not received in the office of the secretary of state within the time prescribed by its accounting division, the transaction covered by the dishonored check will be canceled and all other late filing fees and penalties will be instituted.

NEW SECTION

WAC 434-112-100 State registered domestic partnerships. (1) State registered domestic partnerships will be registered by the corporations program, in the corporations division of the office of the secretary of state.

(2) Declarations of state registered domestic partnerships, and notices of termination of state registered domestic partnerships may be submitted to the corporations division by mail, or in person. See WAC 434-112-020 for the corporations division address and hours of service.

(3) The document standards in WAC 434-112-040(5) apply to declarations of state registered domestic partnerships and to notices of termination of state registered domestic partnerships.

(4) At the time of registration of a declaration of state registered domestic partnership or of filing of a notice of termination of state registered domestic partnership the corporations division will provide to each state registered domestic partner:

(a) One original certificate of registration or termination. Further certificates or additional certificates requested after registration are available subject to the fees set forth in WAC 434-112-090.

(b) One wallet sized card documenting registration of the state registered domestic partnership.

(5) Registrations of state registered domestic partnerships are public records and all documents related to the registration are subject to public disclosure.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 434-110-060 In-person or expedited service—Special fees.

WAC 434-110-075 Miscellaneous fees.

WSR 07-16-018

EMERGENCY RULES

BUILDING CODE COUNCIL

[Filed July 20, 2007, 8:45 a.m., effective July 23, 2007]

Effective Date of Rule: July 23, 2007.

Purpose: To amend chapter 51-54 WAC, 2006 International Fire Code and chapter 51-50 WAC, 2006 International Building Code for consistency with chapter 434, Laws of 2007.

Citation of Existing Rules Affected by this Order: Amending WAC 51-54-0200, 51-54-0900, 51-50-0200, and 51-50-0903.

Statutory Authority for Adoption: RCW 19.27.074 and 19.27.020.

Other Authority: Chapters 19.27 and 34.05 RCW, chapter 434, Laws of 2007.

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 state building code council, based on the following good cause, finds that an emergency affecting the general welfare of the state of Washington exists. The council further finds that immediate amendment of a certain council rule is necessary for the public welfare and that observing the time requirements of notice and opportunity to comment would be contrary to the public interest.

The declaration of emergency affecting the general welfare of the state of Washington is based on the following findings:

The state legislature passed 2SHB 1811, which changes the definition of nightclubs and extends the date for installing automatic sprinklers in these occupancies from December 1, 2007, to December 1, 2009. This bill was signed by the governor and takes effect July 22, 2007.

The new law is in conflict with the existing rule. This emergency rule is necessary to avoid confusion and unnece-

sary expenditure. It gives the maximum time possible to fire code enforcement personnel and nightclub owners to comply with the 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 4, 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 4, Repealed 0.

Date Adopted: June 8, 2007.

John P. Neff
Council Chair

AMENDATORY SECTION (Amending WSR 07-01-093, filed 12/19/06, effective 7/1/07)

WAC 51-54-0200 Chapter 2—Definitions.

SECTION 202 GENERAL DEFINITIONS.

ADULT FAMILY HOME means a dwelling in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

CHILD DAY CARE, shall, for the purposes of these regulations, mean the care of children during any period of a 24-hour day.

ELECTRICAL CODE is the National Electrical Code, promulgated by the National Fire Protection Association, as adopted in chapter 296-46 WAC, or the locally adopted Electrical Code.

FAMILY CHILD DAY CARE HOME is a child day care facility, licensed by the state, located in the dwelling of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.

NIGHTCLUB. ~~((An establishment, other than a theater with fixed seating, which includes all of the following:~~

~~1. Provides live entertainment by paid performing artists or by way of recorded music conducted by a person employed or engaged to do so;~~

~~2. Has as its primary source of revenue the sale of beverages of any kind for consumption on the premises and/or cover charges;~~

~~3. Has an occupant load of 100 or more as determined by the fire code official; and~~

~~4. Includes assembly space without fixed seats considered concentrated or standing space per Table 1004.1.2.~~

~~Paid performing artists are those entertainers engaged to perform in a for-profit business establishment.)) An A-2 Occupancy use under the 2006 International Building Code in which the aggregate area of concentrated use of unfixed chairs and standing space that is specifically designated and primarily used for dancing or viewing performers exceeds three hundred fifty square feet, excluding adjacent lobby areas. "Nightclub" does not include theaters with fixed seating, banquet halls, or lodge halls.~~

EDUCATIONAL GROUP E. Educational Group E Occupancy includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12th grade. Religious educational rooms and religious auditoriums, which are accessory to churches in accordance with Section 302.2 of the IBC and have occupant loads of less than 100, shall be classified as Group A-3 Occupancies.

Day Care. The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than five children older than 2 1/2 years of age, shall be classified as a Group E Occupancy.

EXCEPTION: Family child day care homes licensed by the Washington state department of social and health services for the care of twelve or fewer children shall be classified as Group R3.

INSTITUTIONAL GROUP I. Institutional Group I Occupancy includes, among others, the use of a building or structure, or a portion thereof, in which people, cared for or living in a supervised environment and having physical limitations because of health or age, are harbored for medical treatment or other care or treatment, or in which people are detained for penal or correctional purposes or in which the liberty of the occupants is restricted. Institutional occupancies shall be classified as Group I-1, I-2, I-3 or I-4.

Group I-1. This occupancy shall include buildings, structures or parts thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:

- Residential board and care facilities
- Assisted living facilities
- Halfway houses
- Group homes
- Congregate care facilities
- Social rehabilitation facilities
- Alcohol and drug centers
- Convalescent facilities

A facility such as the above with five or fewer persons and adult family homes licensed by the Washington state department of social and health services shall be classified as a Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2.

A facility such as the above providing licensed care to clients in one of the categories listed in IBC Section 310.1 regulated by either the Washington department of health or the department of social and health services shall be classified as Group R-2.

Group I-2. This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour basis of more than five persons who are not capable of self-preservation. This group shall include, but not be limited to, the following:

- Hospitals
- Nursing homes (both intermediate-care facilities and skilled nursing facilities)
- Mental hospitals
- Detoxification facilities

A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2.

A facility such as the above providing licensed care to clients in one of the categories listed in IBC Section 310.1 regulated by either the Washington department of health or the department of social and health services shall be classified as Group R-2.

Group I-3. (Remains as printed in the IFC.)

Group I-4. Day care facilities. This group shall include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood marriage, or adoption, and in a place other than the home of the person cared for. A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the *International Residential Code*. Places of worship during religious functions are not included.

Adult care facility. A facility that provides accommodations for less than 24 hours for more than five unrelated adults and provides supervision and personal care services shall be classified as Group I-4.

EXCEPTION: Where the occupants are capable of responding to an emergency situation without physical assistance from the staff, the facility shall be classified as Group A-3.

Child care facility. A facility that provides supervision and personal care on a less than 24-hour basis for more than five children 2 1/2 years of age or less shall be classified as Group I-4.

EXCEPTIONS:

1. A child day care facility that provides care for more than five but no more than 100 children 2 1/2 years or less of age, when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.
2. Family child day care homes licensed by the Washington state department of social and health services for the care of 12 or fewer children shall be classified as Group R3.

RESIDENTIAL GROUP R. Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or Licensed Care Group LC. Residential occupancies shall include the following:

R-1 Residential occupancies where the occupants are primarily transient in nature, including:

- Boarding houses (transient)
- Hotels (transient)
- Motels (transient)

R-2 Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including:

- Apartment houses
- Boarding houses (not transient)
- Boarding homes as licensed by the department of social and health services under chapter 388-78A WAC
- Convents
- Dormitories
- Fraternities and sororities
- Hotels (nontransient)
- Motels (nontransient)
- Monasteries
- Residential treatment facilities as licensed by the department of health under chapter 246-337 WAC
- Vacation timeshare properties

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I and where buildings do not contain more than two dwelling units as applicable in Section 101.2, including adult family homes and family child day care homes for the care of 12 or fewer children, licensed by the Washington state department of social and health services, or adult and child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours. Adult family homes and family child day care homes, or adult and child care facilities that are within a single-family home are permitted to comply with the *International Residential Code* in accordance with Section 101.2.

Foster family care homes licensed by the Washington state department of social and health services shall be permitted, as an accessory use to a dwelling, for six or fewer children including those of the resident family.

R-4 classification is not adopted. Any reference in this code to R-4 does not apply.

AMENDATORY SECTION (Amending WSR 07-01-093, filed 12/19/06, effective 7/1/07)

WAC 51-54-0900 Chapter 9—Fire protection systems.

902.1 Definitions.

PORTABLE SCHOOL CLASSROOM. A structure, transportable in one or more sections, which requires a chassis to be transported, and is designed to be used as an educational space with or without a permanent foundation. The structure shall be trailerable and capable of being demounted and relocated to other locations as needs arise.

~~((903.2.1.6 Nightclub. An automatic sprinkler system shall be provided throughout an occupancy with a nightclub. Existing nightclubs constructed prior to July 1, 2006, shall be provided with automatic sprinklers not later than December 1, 2007. The fire code official, for the application of this rule, may establish an occupant load based on the observed use of the occupancy in accordance with Table 1004.1.2.))~~

903.2.2 Group E. An automatic sprinkler system shall be provided for Group E Occupancies.

EXCEPTIONS:

1. Portable school classrooms, provided aggregate area of any cluster or portion of a cluster of portable

school classrooms does not exceed 5,000 square feet (1465 m²); and clusters of portable school classrooms shall be separated as required in Chapter 5 of the building code.

2. Group E Occupancies with an occupant load of 50 or less.

903.2.7 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

EXCEPTION: Group R-1 if all of the following conditions apply:

1. The Group R fire area is no more than 500 square feet and is used for recreational use only.
2. The Group R fire area is on only one story.
3. The Group R fire area does not include a basement.
4. The Group R fire area is no closer than 30 feet from another structure.
5. Cooking is not allowed within the Group R fire area.
6. The Group R fire area has an occupant load of no more than 8.
7. A hand held (portable) fire extinguisher is in every Group R fire area.

903.6.2 Nightclub. An automatic sprinkler system shall be provided throughout an occupancy with a nightclub. An existing nightclub constructed prior to July 1, 2006, shall be provided with automatic sprinklers not later than December 1, 2009.

909.6.3 Elevator shaft pressurization. Where elevator shaft pressurization is required to comply with Exception 6 of IBC Section 707.14.1, the pressurization system shall comply with and be maintained in accordance with IBC 707.14.2.

909.6.3.1 Activation. The elevator shaft pressurization system shall be activated by a fire alarm system which shall include smoke detectors or other approved detectors located near the elevator shaft on each floor as approved by the building official and fire code official. If the building has a fire alarm panel, detectors shall be connected to, with power supplied by, the fire alarm panel.

909.6.3.2 Power system. The power source for the fire alarm system and the elevator shaft pressurization system shall be in accordance with Section 909.11.

AMENDATORY SECTION (Amending WSR 07-01-091, filed 12/19/06, effective 7/1/07)

WAC 51-50-0200 Chapter 2—Definitions.

SECTION 202—DEFINITIONS.

ADULT FAMILY HOME. See Section 310.2.

CHILD DAY CARE. See Section 310.2.

CHILD DAY CARE HOME, FAMILY. See Section 310.2.

NIGHTCLUB. ~~((An establishment, other than a theater with fixed seating, which includes all of the following:~~

~~1. Provides live entertainment by paid performing artists or by way of recorded music conducted by a person employed or engaged to do so;~~

~~2. Has as its primary source of revenue the sale of beverages of any kind for consumption on the premises and/or cover charges;~~

~~3. Has an occupant load of 100 or more as determined by the fire code official; and~~

~~4. Includes assembly space without fixed seats considered concentrated or standing space per Table 1004.1.2.~~

Paid performing artists are those entertainers engaged to perform in a for-profit business establishment.)) An A-2 Occupancy use under the 2006 International Building Code in which the aggregate area of concentrated use of unfixed chairs and standing space that is specifically designated and primarily used for dancing or viewing performers exceeds three hundred fifty square feet, excluding adjacent lobby areas. "Nightclub" does not include theaters with fixed seating, banquet halls, or lodge halls.

PORTABLE SCHOOL CLASSROOM. See Section 902.1.

RESIDENTIAL CARE/ASSISTED LIVING FACILITIES. See Section 310.2. This definition is not adopted.

STORY. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above, including basements (also see "Mezzanine" and Section 502.1). It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

STORY ABOVE GRADE PLANE. Any story having its finished floor surface entirely above grade plane, except that a basement shall be considered as a story above grade plane where the finished surface of the floor or roof next above the basement is:

1. More than 6 feet (1829 mm) above grade plane; or
2. More than 12 feet (3658 mm) above the finished ground level at any point.

AMENDATORY SECTION (Amending WSR 07-01-091, filed 12/19/06, effective 7/1/07)

WAC 51-50-0903 Section 903—Automatic sprinkler systems.

903.2.1.6 Nightclub. ~~((An automatic sprinkler system shall be provided throughout an occupancy with a nightclub. Existing nightclubs constructed prior to July 1, 2006, shall be provided with automatic sprinklers not later than December 1, 2007. The fire code official, for the application of this rule, may establish an occupant load based on the observed use of the occupancy in accordance with Table 1004.1.2.)) An automatic sprinkler system shall be provided throughout every nightclub. An existing nightclub constructed prior to July 1, 2006, shall be provided with automatic sprinklers not later than December 1, 2009.~~

903.2.2 Group E. An automatic sprinkler system shall be provided for Group E Occupancies.

EXCEPTIONS:

1. Portable school classrooms, provided aggregate area of any cluster or portion of a cluster of portable school classrooms does not exceed 5,000 square feet (1465 m²); and clusters of portable school classrooms shall be separated as required in chapter 5 of the building code.
2. Group E occupancies with an occupant load of 50 or less.

903.2.7 Group R. An automatic fire sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

EXCEPTION: Group R-1 if all of the following conditions apply:

1. The Group R fire area is no more than 500 square feet and is used for recreational use only.
2. The Group R fire area is only one story.
3. The Group R fire area does not include a basement.
4. The Group R fire area is no closer than 30 feet from another structure.
5. Cooking is not allowed within the Group R fire area.
6. The Group R fire area has an occupant load of no more than 8.
7. A hand held (portable) fire extinguisher is in every Group R fire area.

WSR 07-16-019
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Management Services Administration)

[Filed July 20, 2007, 8:52 a.m., effective July 22, 2007]

Effective Date of Rule: July 22, 2007.

Purpose: The purpose of the emergency filing of new rules of chapter 388-06 WAC, Background checks, is to comply with a new statute, chapter 387, Laws of 2007 (ESSB 5774), relating to DSHS employee background check rules. Chapter 387, Laws of 2007 (ESSB 5774) repeals the department of personnel (DOP) statute that requires DOP to adopt DSHS employee background check rules. DOP is repealing DSHS employee rules effective July 22, 2007. This filing includes new WAC 388-06-0600, 388-06-0605, 388-06-0610, 388-06-0615, 388-06-0620, 388-06-0625, 388-06-0630, 388-06-0635, and 388-06-0640.

Citation of Existing Rules Affected by this Order: Amending WAC 388-06-0010.

Statutory Authority for Adoption: RCW 43.43.832, chapter 387, Laws of 2007 (ESSB 5774).

Other Authority: RCW 43.20A.710, 43.43.830, and 43.43.842.

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: Amendments to chapter 388-06 WAC, Background checks, are needed due to changes in statute. Permanent rule making could not be completed in time to ensure that DSHS employee background checks are conducted by July 22, 2007. A notice to adopt permanent rules on this subject has been filed as WSR 07-11-097.

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 9, Amended 1, 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 9, Amended 1, Repealed 0.

Date Adopted: July 16, 2007.

Stephanie E. Schiller
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 01-18-025, filed 8/27/01, effective 10/1/01)

WAC 388-06-0010 What is the purpose of this chapter? (1) The purpose of this chapter is to establish rules for background checks conducted by children's administration (CA), and the division of developmental disabilities (DDD) at the department of social and health services (DSHS). The department does background checks on individuals who are licensed, certified, contracted, or authorized to care for or have unsupervised access to children and to individuals with a developmental disability. Background checks are conducted to find and evaluate any history of criminal convictions and child abuse or neglect.

(2) This chapter also defines when the one hundred twenty-day provisional hire is allowed by DSHS. WAC 388-06-0500 through 388-06-0540 apply to all DSHS administrations

(3) This chapter includes the background check requirements for DSHS employees and applicants seeking, working or serving in a covered position.

NEW SECTION

WAC 388-06-0600 Must the DSHS secretary or designee conduct background checks on all employees in covered positions and applicants under consideration for a covered position? (1) The secretary of the department of social and health services (DSHS) or designee must conduct a background check, which may include fingerprinting as authorized by statute, on all employees in covered positions and applicants under final consideration for a covered position.

(2) The requirement to conduct a background check must include the following:

(a) Any employee seeking a covered position because of a layoff, reallocation, transfer, promotion or demotion or otherwise requesting a move to a covered position.

(b) Any applicant prior to appointment to a covered position, except when appointment is made on a conditional basis in accordance with agency procedures authorized by WAC 388-06-0635.

(3) Applicant means any person who has applied for work or serves in a covered position, including current employees requesting transfer, promotion, demotion, or otherwise requesting a move to a covered position.

NEW SECTION

WAC 388-06-0605 What is a covered position? A covered position is one in which a person will or may have unsupervised access to vulnerable adults, juveniles or children.

NEW SECTION

WAC 388-06-0610 Who are vulnerable adults, juveniles or children? (1) Vulnerable adult means a person who is a client of DSHS and/or is:

- (a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself;
- (b) Found incapacitated under chapter 11.88 RCW;
- (c) Developmental disabled as defined under RCW 71A.10.020;
- (d) Admitted to any facility that is operated by DSHS;
- (e) Receiving services from a DSHS contracted, authorized, certified, licensed or individual provider, including those certified under chapter 70.96A RCW;
- (f) Receiving services through home health, hospice, or home care agencies required to be licensed under chapter 70.127 RCW; or
- (g) Admitted to detoxification in a certified chemical dependency treatment facility in accordance with chapter 70.96A RCW.

(2) Juvenile means a person under the age of twenty-one under the juvenile rehabilitation administration's (JRA) jurisdiction, or under the department of corrections's jurisdiction while placed in a JRA facility.

(3) Child or children means any person under eighteen years of age.

NEW SECTION

WAC 388-06-0615 What is unsupervised access? Unsupervised access means a DSHS employee, volunteer or student intern who:

- (1) Works or serves in a setting, such as an institution, that provides residential services to vulnerable adults, juveniles and children;
- (2) Works or serves in a position where, during the course of his or her employment, the employee may transport, or visit the residence of, a vulnerable adult, juvenile or child; or
- (3) Works or serves in a position, other than one described in (1) and (2) above, where the employee may be left alone with a vulnerable adult, juvenile or child. "Left alone" does not include the possibility of a public encounter, or public interaction.

NEW SECTION

WAC 388-06-0620 What information is considered in a background check conducted by DSHS and what are the results of the background check used for? (1) The background check information considered by the DSHS secretary will include but is not limited to conviction records, pending charges, and civil adjudications as defined in RCW 43.43.830.

(2) The background information must be used by DSHS to determine the character, competence, and suitability of the applicant and/or employee to have unsupervised access to vulnerable adults, juveniles and children.

NEW SECTION

WAC 388-06-0625 Must an employee and/or applicant authorize the secretary of the department of social and health services or designee to conduct a background check and what happens if the employee or applicant does not provide authorization? (1) An employee and/or applicant applying for or being considered for retention in a covered position must authorize the secretary of DSHS or designee to conduct a background check which may include fingerprinting.

(2) Failure to authorize the DSHS secretary or designee to conduct a background check disqualifies an employee or applicant from consideration for any covered position including their current covered position.

NEW SECTION

WAC 388-06-0630 What happens when a permanent DSHS employee is disqualified because of a background check or failure to authorize a background check? (1) A permanent employee with a background check disqualification or who fails to authorize a background check may be subject to any of the following actions in no specific order:

- (a) Demotion;
- (b) Job restructuring;
- (c) Job reassignment;
- (d) Non-disciplinary separation for non-represented employees;
- (e) Disciplinary action in accordance with Just Cause for represented employees; or
- (f) The employee may voluntarily resign.

(2) An appointing authority may use the following interim measures while deciding which action to take (not to exceed thirty calendar days except in cases where there are investigations of pending charges):

- (a) Voluntary use of accrued vacation, exchange, and/or compensatory time;
- (b) Authorized leave without pay, if there is no paid leave available, or if the employee chooses not to use paid leave; and/or
- (c) Reassignment to another work location to prevent unsupervised access.

(d) When considering the above actions, the agency will consider the least restrictive means necessary to prevent unsupervised access.

(3) Before a permanent employee may be separated or discharged due to a background check disqualification, the search for a non-covered position will occur over a period of thirty calendar days.

NEW SECTION

WAC 388-06-0635 What are the DSHS secretary's responsibilities in carrying out the requirements to con-

duct background checks? (1) The DSHS secretary or designee will:

(a) Notify employees and applicants that a background check is required for covered positions;

(b) Develop procedures specifying when employees and applicants may be hired on a conditional basis pending the results of a background check; and

(c) Develop policies and procedures pertaining to background checks.

(d) Use information contained in a background check for the purpose of determining the character, competence, and suitability of the applicant and/or employee to have unsupervised access to vulnerable adults, juveniles and children.

(2) The DSHS secretary or designee will not further disseminate background check information unless authorized or required by law to do so. In addition, results of a background check may be discoverable pursuant to the rules of civil discovery, or subject to disclosure pursuant to a public records request.

NEW SECTION

WAC 388-06-0640 Does a DSHS permanent employee who is disqualified from a covered position as a result of a background check have the right to request a review of the disqualification? A DSHS permanent employee who is disqualified from a covered position as a result of a background check has the right to present the DSHS secretary or designee evidence that may mitigate the disqualifying background information identified by the department. The permanent employee may present additional information for consideration that includes, but is not limited to:

(1) The employee's background check authorization and disclosure form;

(2) The employee's age at the time of conviction, charge, or disciplinary board final decision;

(3) The nature and severity of the conviction, charge, or disciplinary board final decision;

(4) The length of time since the conviction, charge, or disciplinary board final decision;

(5) The nature and number of previous offenses;

(6) Vulnerability of the child, vulnerable adult, or individual with mental illness or developmental disabilities to which the employee will or may have unsupervised access; and

(7) The relationship between the potentially disqualifying event and the duties of the employee.

comply with new statutes, chapter 387, Laws of 2007 (ESSB 5774) and chapter 410, Laws of 2007 (SHB 1333), impacting background check requirements for certain child care providers and children returning to their home; and to comply with the federal Adam Walsh Act of 2006.

Citation of Existing Rules Affected by this Order: Amending WAC 388-06-0110, 388-06-0150, and 388-06-0160.

Statutory Authority for Adoption: RCW 43.43.832, 26.33.190, 26.44.030, 74.15.030.

Other Authority: Chapter 387, Laws of 2007; H.R. 4472, the Adam Walsh Child Protection and Safety Act of 2006.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; 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: Amendments to chapter 388-06 WAC, Background checks, are needed due to federal requirements and changes in state statutes. Permanent rule making could not be completed in time to meet the federal requirements impacting children's administration which are effective July 1, 2007.

A notice to adopt permanent rules on this subject has been filed as WSR 07-11-097.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 3, Repealed 0.

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

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

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

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

Date Adopted: July 16, 2007.

Stephanie E. Schiller
Rules Coordinator

WSR 07-16-020
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Management Services Administration)

[Filed July 20, 2007, 8:55 a.m., effective July 22, 2007]

Effective Date of Rule: July 22, 2007.

Purpose: The purpose of the emergency filing of amended chapter 388-06 WAC, Background checks, is to

AMENDATORY SECTION (Amending WSR 01-18-025, filed 8/27/01, effective 10/1/01)

WAC 388-06-0110 Who must have background checks? The department requires background checks on individuals who will have unsupervised access to children or to individuals with a developmental disability in homes, facilities, or operations licensed, relicensed, or contracted by the department to provide care as required under chapter 74.15

RCW. The department requires background checks on the following people:

- (1) A person licensed, certified, or contracted by us to care for children (chapter 74.15 RCW and RCW 43.43.832);
- (2) A prospective or current employee for a licensed care provider or a person or entity contracting with us;
- (3) A volunteer or intern with regular or unsupervised access to children who is in a home or facility that offers licensed care to children;
- (4) A person who is at least sixteen years old, is residing in a foster home, relatives home, or child care home and is not a foster child;
- (5) A person not related to the child who the court has approved placement as allowed in RCW 13.34.130;
- (6) A relative other than a parent who may be caring for a child or an individual with a developmental disability;
- ~~((6))~~ (7) A person who regularly has unsupervised access to a child or an individual with a developmental disability;
- ~~((7))~~ (8) A provider who has unsupervised access to a child or individual with a developmental disability in the home of the child or individual with a developmental disability; and
- ~~((8))~~ (9) Prospective adoptive parents as defined in RCW 26.33.020.

AMENDATORY SECTION (Amending WSR 01-18-025, filed 8/27/01, effective 10/1/01)

WAC 388-06-0150 What does the background check cover? (1) The department must review the following records:

- (a) Criminal convictions and pending charges based on identifying information provided by you. However, if you have lived in Washington State for less than three years prior to the check, the department must conduct a fingerprint based background check for you to have unsupervised access to children or to individuals with developmental disabilities.
- (b) ~~((For children's administration, child protective service case file information (CAMIS) for founded reports of child abuse or neglect; and))~~ If the background check is being conducted for Children's Administration, it must also include:
 - (i) A review of child protective services case files information (CAMIS) or other applicable information system.
 - (ii) Administrative hearing decisions related to any DRL license that has been revoked, suspended, or denied.
- (c) ~~((For children's administration, administrative hearing decisions related to any DLR license that has been revoked, suspended or denied))~~ If the background check is being conducted by Children's Administration for placement of a child in out-of-home care, including foster homes, adoptive homes, relative placements, and placement with other suitable persons under chapter 13.34 RCW, the department must check the following in addition to the requirements above for each person over eighteen years of age residing in the home:
 - (i) Child abuse and neglect registries in each state a person has lived in the five years prior to conducting the background check.

(ii) Washington state patrol (WSP) and federal bureau of investigation (FBI) fingerprint based background checks regardless of how long you have resided in Washington.

- (2) The department may also review:
 - (a) Any civil judgment, determination or disciplinary board final decisions of child abuse or neglect.
 - (b) Law enforcement records of convictions and pending charges in other states or locations if:
 - (i) You have lived in another state.
 - (ii) Reports from other credible sources indicating a need to investigate another state's records.
- ~~((3))~~ The department may review law enforcement records of convictions and pending charges in other states or locations if:
 - (a) You have lived in another state; and
 - (b) Reports from credible community sources indicate a need to investigate another state's records.
- ~~(4)~~ If you have lived in Washington state less than three years immediately prior to your application to have unsupervised access to children or to individuals with a developmental disability, the department requires that you be fingerprinted for a background check with the Washington state patrol (WSP) and the Federal Bureau of Investigation (FBI), as mandated by chapter 74.15 RCW.)

AMENDATORY SECTION (Amending WSR 01-18-025, filed 8/27/01, effective 10/1/01)

WAC 388-06-0160 Who pays for the background check? (1) Children's administration (CA) pays ~~((for))~~ the DSHS general administrative costs for background checks for foster home applicants, CA relative and other suitable caregivers, and CA adoptive home applicants.

(2) Children's administration pays ~~((for fingerprinting expenses))~~ the WSP and FBI-fingerprint processing fees for ((those)) foster home applicants ((and relatives)), CA relative and other suitable caregivers, CA adoptive home applicants, and other adults in the home who require fingerprinting under chapter 13.34 RCW.

(3) Children's administration does not pay ~~((for))~~ fingerprinting fees or expenses for employees, contractors, or volunteers associated with any other type of home or facility.

(4) The division of developmental disabilities pays for background checks for individuals seeking authorization to provide services to their clients.

WSR 07-16-021

EMERGENCY RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed July 20, 2007, 9:01 a.m., effective July 22, 2007]

Effective Date of Rule: July 22, 2007.

Purpose: The department is amending WAC 388-310-1450 WorkFirst—WorkFirst pregnancy to employment and 388-310-0300 WorkFirst—Infant care exemptions for mandatory participants. These rule changes are necessary to comply with chapter 289, Laws of 2007 (2SSB 6016)

exempting parents with an infant under age of one year from WorkFirst participation for a maximum of twelve months over the parent's lifetime, effective July 22, 2007.

Citation of Existing Rules Affected by this Order: Amending WAC 388-310-1450 and 388-310-0300.

Statutory Authority for Adoption: RCW 74.04.050, 74.08.090, and 74.04.055.

Other Authority: Chapter 522, Laws of 2007 (SHB 1128).

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: DSHS is required to comply with chapter 289, Laws of 2007 (2SSB 6016) by exempting parents with an infant under age of one year from WorkFirst participation for a maximum of twelve months over the parent's lifetime. The rule is being concurrently amended through the regular adoption process (WSR 07-11-116).

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 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 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 2, Repealed 0.

Date Adopted: July 11, 2007.

Stephanie E. Schiller
Rules Coordinator

AMENDATORY SECTION (Amending WSR 02-14-087, filed 6/28/02, effective 7/29/02)

WAC 388-310-0300 WorkFirst—Infant care exemptions for mandatory participants. (1) If I am a mandatory participant, when can I be exempted from participating in WorkFirst activities?

(a) You can claim an infant exemption from participating in WorkFirst activities during months that you are needed in the home to personally provide care for your child (ren) under ~~((four months))~~ one year of age.

(b) You or the other parent of your child, living in your household can claim ~~((a one-time))~~ this infant exemption from full-time participation ~~((, for one child only, if that child is between the age of four months and up to twelve months old. This means the parent who claims this exemption will only be required to participate part-time, up to twenty hours in certain activities described in WAC 388-310-1450))~~ for a maximum of twelve months in your lifetime.

(2) Can I participate in WorkFirst while I am exempt?

~~((a))~~ You may choose to participate in WorkFirst while you are exempt with a child under ~~((four months))~~ one year old. If you decide later to stop participating, and you still qualify for an exemption, you will be put back into exempt status with no financial penalty. For a description of participation activities see WAC 388-310-1450.

~~((b))~~ ~~You may choose to participate full-time while you are taking your one-time/part-time exemption. If you decide later to stop participating full-time, and you still qualify for the part-time exemption, you will be put back into part-time exempt status with no financial penalty. For a description of participation activities see WAC 388-310-1450.)~~

(3) Does an exemption from participation affect my sixty-month time limit for receiving TANF or SFA benefits?

An exemption from participation does not affect your sixty-month time limit for receiving TANF or SFA benefits (described in WAC 388-484-0005). Even if exempt from participation, each month you receive a TANF/SFA grant counts toward your sixty-month limit.

AMENDATORY SECTION (Amending WSR 02-14-087, filed 6/28/02, effective 7/29/02)

WAC 388-310-1450 Pregnancy to employment. (1) How do I know if I am eligible to participate in pregnancy to employment?

If you are on TANF and are pregnant or have a child under the age of ~~((twelve months))~~ one year, you are a participant in the pregnancy to employment pathway.

(2) What am I required to do while I am in pregnancy to employment?

You will receive an assessment from a DSHS social worker. Based on the results of the assessment you receive as a pregnancy to employment participant, you and your case manager/social worker will decide how you will be required to participate and which activities best meet your needs. The activities you are required to do will depend on where you are in the pregnancy or the age of your child.

(3) What am I required to do while I am pregnant?

(a) In the first and second trimester of pregnancy: Your participation is based upon the results of the assessment you receive and includes work, looking for work or a combination of pregnancy to employment services. You will be required to participate full-time during the first two trimesters of pregnancy unless you have a good reason to participate fewer hours (see WAC 388-310-1600).

(b) In the third trimester of pregnancy: Your participation is voluntary and may include meeting your medical needs.

(4) What am I required to do after my child is born?

~~((You are exempt from participation))~~ After the birth of your child, you may choose not to participate in WorkFirst activities ((and)) until your child reaches the age of ((four months)) one year. You may volunteer to participate in WorkFirst activities while you are exempt (see WAC 388-310-0300).

(5) ((Do I have to participate full time once my child reaches age four months)) What if I have used my infant exemption?

~~((Once your child reaches four months old, you are required to participate full time unless you qualify for the one-time exemption from full-time participation. This exemption is called a part-time exemption and you can only receive it once for one child who is between four and up to twelve months old))~~ If you have used your infant exemption and you have another child, you will be required (unless otherwise exempt) to participate full-time in one or more of the following activities:

- (a) Work;
- (b) Looking for work; or
- (c) Preparing for work by participating in a combination of activities based upon the results of your assessment.

(6) ((How do I qualify for the part-time exemption)) What services are provided in the pregnancy to employment pathway?

~~((Effective June 13, 2002, you can be exempt one-time only, from full-time participation, if you have a child age four months to twelve months old))~~ This pathway provides you with services, as available within your community, to help you learn how to work while still meeting your child's needs. You and your case manager or social worker will decide which of the variety of services you need, such as help finding:

- (a) Parenting education or parenting skills training;
- (b) Safe and appropriate child care;
- (c) Good health care for yourself and your child;
- (d) Mental health treatment;
- (e) Alcohol or drug treatment;
- (f) Domestic violence services; or
- (g) Employment services.

If you are currently employed you will receive the assessment at your next individual responsibility plan review.

(7) ((If I qualify for the part-time exemption, what will I be required to do)) What determines which services I will receive and what my participation will be?

~~((You will have to participate part-time for up to twenty hours per week (per state law) until your child is reaches twelve months old. During this time, you will be required, based upon the results of your assessment, to participate in one or more of the following:))~~

~~(a) ((Instruction or training to improve your parenting skills or child well-being (if available)))~~ Your assessment results (see WAC 388-310-0700) determine the services that you will receive, as available within your community;

~~(b) ((Preemployment or job readiness training))~~ An individual responsibility plan will be developed jointly, by you and your case manager or social worker, that reflects participation and services available to meet your needs and the needs of your child; and

~~(c) ((High school completion or GED program;~~
~~(d) Volunteer in a child care facility licensed under chapter 74.15 RCW. The child care facility has to agree to accept you as a volunteer; or~~

~~(e) Volunteer to participate in job search or work activities full-time or part-time. If you change your mind about job search or work activities you will be required to participate~~

~~up to twenty hours in one of the required activities listed above))~~ Follow up contact every three months to jointly reassess your needs and the services and activities you are participating in, until your child reaches age twelve months.

(8) ((What if I have used my one-time part-time exemption from full-time participation)) Will I be sanctioned if I refuse to participate in pregnancy to employment pathway?

~~((If you have used your one-time, part-time exemption and you have another child, when that child is between four months and twelve months old, you will be required to participate full-time in one or more of the following activities:))~~

~~(a) ((Work:))~~ If you are a pregnant woman in your third trimester of pregnancy or if you have an infant less than one year old you will not be sanctioned for not participating.

~~(b) ((Looking for work; or~~

~~(e) Preparing for work by participating in a combination of activities based upon the results of your assessment))~~ If you are in the first two trimesters of your pregnancy or have used your twelve-month infant exemption or you do not have a child under the age of one year, you are required to participate as allowed under WAC 388-310-0200. Failure to participate will subject you to WorkFirst sanction under WAC 388-310-1600.

(9) ((What services are provided in the pregnancy to employment)) What if I have a good reason not to participate?

~~((This pathway provides you with services, as available within your community, to help you learn how to work while still meeting your child's needs. You and your case manager will decide which of the variety of services you need, such as help finding:~~

- ~~(a) Parenting classes;~~
- ~~(b) Safe and appropriate child care;~~
- ~~(c) Good health care for yourself and your child; and/or~~
- ~~(d) Employment services.~~

~~(e) If you are currently employed you will receive the assessment at your next individual responsibility plan review.~~

(10) What determines which services I will receive and what my participation will be?

~~(a) Your assessment results (see WAC 388-310-0700) determine the services, as available within your community; that you will receive;~~

~~(b) An individual responsibility plan will be developed jointly that reflects participation and services available to meet your needs and the needs of your child; and~~

~~(c) Follow up contact every three months to jointly reassess your needs and the services and activities you are participating in, until your child reaches age twelve months.~~

(11) Will I be sanctioned if I refuse to participate in pregnancy to employment pathway?

~~(a) If you are a pregnant woman in your third trimester of pregnancy or if you have an infant less than three months old you will not be sanctioned for not participating.~~

~~(b) If you are in the first two trimesters of your pregnancy or have a child four months of age or older, you are required to participate and are subject to the WorkFirst sanction rules (see WAC 388-310-1600).~~

~~(12) What if I have a child between the ages of four months and twelve months but I have a good reason not to participate?~~

~~If you have a good reason not to participate and you claim good cause (WAC 388-310-1600(3)), your needs will be assessed as soon as possible, but no later than ninety days from your request. A good cause determination will establish if you will be required to participate and the types of services that will best meet your needs)) If you have a good reason not to participate and you claim good cause (WAC 388-310-1600(3)), your needs will be assessed as soon as possible, but no later than ninety days from your request. A good cause determination will establish if you will be required to participate and the types of services that will best meet your needs.~~

WSR 07-16-022

**EMERGENCY RULES
DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed July 20, 2007, 9:06 a.m., effective July 22, 2007]

Effective Date of Rule: July 22, 2007.

Purpose: To comply with the provisions of chapter 5, Laws of 2007 (2SSB 5093) which authorize medical assistance coverage for all children living in households with income at or below 250% of the federal poverty level (FPL). The law is effective July 22, 2007.

Citation of Existing Rules Affected by this Order: Amending WAC 388-416-0015, 388-418-0025, 388-450-0210, 388-478-0075, 388-505-0210, 388-505-0211, 388-542-0010, 388-542-0020, 388-542-0050, and 388-542-0300.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530, and 74.09.700.

Other Authority: Chapter 5, Laws of 2007 (2SSB 5093).

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: To be compliant with state law while the permanent rule-making process, initiated under WSR 07-11-098, is completed.

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 10, 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 10, Repealed 0.

Date Adopted: July 12, 2007.

Stephanie E. Schiller
Rules Coordinator

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 07-17 issue of the Register.

WSR 07-16-023

**EMERGENCY RULES
DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed July 20, 2007, 9:32 a.m., effective July 22, 2007]

Effective Date of Rule: July 22, 2007.

Purpose: The Washington state legislature has adopted chapter 143, Laws of 2007 (SSB 5244), which implements changes required by the Federal Deficit Reduction Act of 2005 (DRA). The division of child support (DCS) is developing new and amended rules as required in order to allow the Washington child support program to comply with the DRA under our state plan under Title IV-D of the federal Social Security Act. DCS has already filed the preproposal statement of inquiry (WSR 07-10-116) to start the regular rule-making process for these rules. The draft rules will soon go out for review and DCS plans to file the CR-102, notice of proposed rule making, as soon as the review is over (we anticipate filing the CR-102 in July or August of 2007). These emergency rules are necessary until the regular rule-making process is completed.

Citation of Existing Rules Affected by this Order: See Reviser's Note below.

Statutory Authority for Adoption: Sections 1, 2, 3, 4, 5, 7, 8, 9, chapter 143, Laws of 2007.

Other Authority: Public Law 109-171 (the Deficit Reduction Act of 2005).

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: DCS must have rules in effect under chapter 143, Laws of 2007 (SSB 5244), which implement the federal Deficit Reduction Act of 2005, in order to remain in compliance with its state plan under Title IV-D of the federal Social Security Act, July 22, 2007, or risk loss of federal funds for noncompliance.

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 4, Amended 33, 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 4, Amended 33, Repealed 0.

Date Adopted: July 11, 2007.

Stephanie E. Schiller
Rules Coordinator

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 07-18 issue of the Register.

WSR 07-16-040
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 07-149—Filed July 24, 2007, 2:20 p.m., effective July 24, 2007, 2:20 p.m.]

Effective Date of Rule: Immediately.

Purpose: Amend personal use rules.

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

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: The closure is necessary because Washington and Oregon fish managers estimate that the harvest guideline of seven hundred fish will be caught by July 30, 2007. 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: July 24, 2007.

J. P. Koenings
Director

NEW SECTION

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

(1) Effective immediately until further notice, it is unlawful to retain sturgeon caught in those waters of the Columbia River and tributaries from the Wauna powerlines upstream to Bonneville Dam, except Thursdays, Fridays, Saturdays and Sundays.

(2) Effective July 30, 2007, until further notice, it is unlawful to retain sturgeon caught in those waters of the Columbia River and tributaries from Bonneville Dam upstream to The Dalles Dam.

(3) Effective immediately until further notice, it is unlawful to retain sturgeon caught in those waters of the Columbia River and tributaries from the The Dalles Dam upstream to McNary Dam.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900R	Exceptions to statewide rules—Columbia River sturgeon (07-102)
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WSR 07-16-047
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 07-151—Filed July 25, 2007, 1:30 p.m., effective July 25, 2007, 1:30 p.m.]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100H; 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 regional 2007 state/tribal shrimp harvest management plans for Puget Sound require adoption of harvest seasons and the prohibition on nighttime fishing contained in this emergency rule. This emergency rule closes the shrimp fishery in Catch Area 23A-W and the spot shrimp fishery in Catch Area 23B because of projected quota completion in those areas. This regulation also opens Catch Area 23A-C, according to requirements of the management plan for Shrimp Management Area 3. 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: July 25, 2007.

J. P. Koenings
Director

NEW SECTION

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

(1) Shrimp pot gear:

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

(i) All waters of Catch Areas 23A-C, 23A-E, 26B-1, 26C and the Discovery Bay Shrimp District are closed.

(j) Effective 12:00 p.m. on July 25, 2007, until further notice, all waters of Catch Area 23B will be closed to the harvest of spot shrimp.

(k) Effective 9:30 p.m., on July 25, 2007, until further notice, all waters of Catch Area 23A-W will be closed to the harvest of all shrimp species.

(l) Effective 6:00 a.m. July 26, 2007, until further notice, all waters of Catch Area 23A-C will be open to the harvest of all shrimp species.

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

(c) Effective immediately until further notice, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, except that any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Area 29 shall not be subject to the weekly spot shrimp trip limit for that week. It is unlawful to fish for any shrimp while in possession, on board the fishing vessel, of any spot shrimp from any previous accounting week.

(d) It is unlawful to set or pull shellfish pots with a mesh size of less than the size as defined below in all waters of Shrimp Management Areas 1A, 1C, 2E, 2W, 4, and 6, on days when fishing for or retaining spot shrimp. Spot shrimp

taken in these areas are not subject to the minimum carapace length restriction.

(i) The minimum mesh size for rigid mesh pots is 1-inch, defined as a mesh opening that a 7/8-inch square peg will pass through, excluding the entrance tunnels.

(ii) The minimum mesh size for flexible mesh pots is defined as 1-3/4-inch stretched mesh measure.

(e) It is unlawful to retain spot shrimp taken by shellfish pot gear that have a carapace length less than 1-3/16 inch as measured from the posterior mid-dorsal margin to the posterior-most part of the eye stalk orbit, in all waters of Shrimp Management Area 3.

(f) 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.

(g) 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 that shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(f) above.

(2) Shrimp beam trawl gear:

Shrimp Management Area 3 (outside of the Discovery Bay Shrimp District, Sequim Bay, and Catch Area 23D) is open immediately, until further notice. Sequim Bay includes those waters of Catch Area 25A south of a line projected west from Travis Spit on the Miller Peninsula.

(a) That portion of Catch Areas 21A and 22A within Shrimp Management Area 1B is open immediately, until further notice.

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

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

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100H Puget Sound shrimp pot and beam trawl fishery—Season (07-148)

WSR 07-16-058
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 07-152—Filed July 26, 2007, 11:05 a.m., effective July 26, 2007,
 11:05 a.m.]

Effective Date of Rule: Immediately.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-56-25500U; 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: This rule conforms to federal action taken by Pacific Fisheries Management Council. There is sufficient recreational halibut quota to provide for additional fishing in Marine Areas 3 and 4. 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: July 26, 2007.

Loreva M. Preuss
 for Jeff Koenings
 Director

NEW SECTION

WAC 220-56-25500V Halibut—Seasons—Daily and possession limits. (1) Notwithstanding the provisions of WAC 220-56-255, effective immediately until further notice, it is unlawful to fish for or possess halibut taken for personal use, except as provided in this section:

(a) Catch Record Card Area 1 - Open August 3, 2007, until further notice, except closed to fishing for halibut 12:01 a.m. of each Monday through 11:59 p.m. of each Thursday. By-catch restriction: It is unlawful during any vessel trip to bring into port or land bottomfish except sablefish or Pacific Cod if the vessel has brought halibut into port or landed halibut during that trip.

(b) Catch Record Card Area 2 - Closed.

(c) Catch Record Card Areas 3 and 4 - Open only 12:01 a.m. through 11:59 p.m. August 4, 2007.

(i) Effective immediately until further notice, on days when halibut fishing is closed in Catch Record Card Areas 3, and 4, unless otherwise provided, it is unlawful to fish for or possess bottomfish seaward of a line approximating the 20-fathom depth contour as defined by the following coordinates:

48° 23.9' N.; 124° 44.2' W.
 48° 23.6' N.; 124° 44.9' W.
 48° 18.6' N.; 124° 43.6' W.
 48° 18.6' N.; 124° 48.2' W.
 48° 10.0' N.; 124° 48.8' W.
 48° 02.4' N.; 124° 49.3' W.
 47° 37.6' N.; 124° 34.3' W.
 47° 31.7' N.; 124° 32.4' W.

(ii) The following area southwest of Cape Flattery is closed to fishing for halibut at all times:

Beginning at 48°18' N., 125°18' W.; thence to 48°18'N., 124°59'W.; thence to 48°11'N., 124°59'W.; thence to 48°11'N., 125°11'W., thence to 48°04'N., 125°11'W.; thence to 48°04'N., 124°59'W.; thence to 48°N., 124°59'W.; thence to 48°N., 125°18'W.; thence to point of origin.

(d) Catch Record Card Areas 6 through 11 and Catch Record Card Area 13 - Closed.

(e) Catch Record Card Area 5 - Open through August 3, 2007, except closed to fishing for halibut 12:01 a.m. of each Tuesday through 11:59 p.m. of each Wednesday.

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

REPEALER

The following section of the Washington Administrative code is repealed:

WAC 220-56-25500U	Halibut—Seasons—Daily and possession limits. (07-146)
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WSR 07-16-061
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 07-150—Filed July 26, 2007, 1:05 p.m., effective August 1, 2007]

Effective Date of Rule: August 1, 2007.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-69-240.

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 modifies reporting requirements in order to allow for management needs specific to each area where quick reporting of salmon and/or sturgeon is required. These rules are 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 0.

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

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

Date Adopted: July 26, 2007.

Loreva M. Preuss
for Jeff Koenings
Director

NEW SECTION

WAC 220-69-24000K Duties of commercial purchasers and receivers. Notwithstanding the provisions of Chapter 220-69, effective immediately until further notice, it is unlawful to fail to comply with the following reporting provisions for salmon and sturgeon:

(a) During any Puget Sound fishery opening that is designated as "quick reporting required," per WAC 220-47-001:

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon made on the previous calendar day, or for a direct retail endorsement (DRE) holder to fail to report all salmon offered for retail sale on the previous calendar day.

(ii) The report must include dealer or DRE holder name and purchasing location; date of purchase; each fish ticket number, including alpha, used on the purchasing date; and the following catch data for each fish ticket used: Gear, catch area, number of days fished, species, number, and total weight for each species purchased.

(iii) When quick reporting is required, Puget Sound reports must be submitted by 10:00 a.m. on the day after the purchase date. Venue is the county where the submitted reports are to arrive. Reports can be submitted via fax at 360-902-2949; via e-mail at psfishtickets@dfw.wa.gov; or via phone at 1-866-791-1279. In fisheries under Fraser Panel Control within Fraser Panel Area Waters (area defined under

Art. XV, Annex II, Pacific Salmon Treaty 1985), other reporting requirements not listed in this subsection may be necessary under Subpart F of the International Fisheries Regulations, 50 CRF Ch. III §300.93.

(b) During any coastal troll fishery opening that is designated by rule as "quick reporting required":

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon made on the previous calendar day, or for a direct retail endorsement (DRE) holder to fail to report all salmon offered for retail sale on the previous calendar day.

(ii) The report must include dealer or DRE holder name and purchasing location; date of purchase; each fish ticket number, including alpha, used on the purchasing date; and the following catch data for each fish ticket used: Gear, catch area, number of days fished, species, number, and total weight for each species purchased.

(iii) When quick reporting is required, coastal troll reports must be submitted by 10:00 a.m. on the day after the purchase date. Venue is the county where the reports are required to go. Reports can be made via fax at 360-902-2949; via e-mail at trollfishtickets@dfw.wa.gov; or via phone at 1-866-791-1279.

(c) During any Grays Harbor or Willapa Bay fishery opening that is designated by rule as "quick reporting required":

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon made on the previous calendar day, or for a direct retail endorsement (DRE) holder to fail to report all salmon offered for retail sale on the previous calendar day.

(ii) The report must include dealer or DRE holder name and purchasing location; date of purchase; each fish ticket number, including alpha, used on the purchasing date; and the following catch data for each fish ticket used: Gear, catch area, species, number, and total weight each species purchased.

(iii) When quick reporting is required, Grays Harbor and Willapa Bay reports must be submitted by 10:00 a.m. on the day after the purchase date. Venue is the county where the reports are required to go. Reports can be made via fax at 360-664-0689; via email at harborfishtickets@dfw.wa.gov or via phone at 1-866-791-1280.

(d) During any Columbia River fishery opening that is designated by rule as "quick reporting required":

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon, or for a direct retail endorsement (DRE) holder to fail to report all salmon offered for retail sale.

(ii) The report must include dealer or DRE holder name and purchasing location; date of purchase; each fish ticket number, including alpha, used on the purchasing date, and the following catch data for each fish ticket used: Gear, catch area, species, number, and total weight of each species purchased.

(iii) When quick reporting is required, Columbia River reports must be submitted within 5, 8, 12 or 24 hours of clo-

sure of the designated fishery. The time frame for submitting reports will be established by the department at the time of adoption of the quick reporting fishery. Adoption and communication of the quick reporting regulations for a given fishery will occur in conjunction with the adoption of said fishery through the Columbia River Compact. Venue is the county where the reports are required to go. Reports can be made via fax at 360-906-6776 or 360-906-6777; via e-mail at crfishtickets@dfw.wa.gov; or via phone at 1-866-791-1281.

(e) Faxing a copy of each fish receiving ticket used on the previous day satisfies the reporting requirement.

(f) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

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.

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

WSR 07-16-069
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 07-157—Filed July 26, 2007, 3:55 p.m., effective July 26, 2007, 3:55 p.m.]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-04000G; 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: A harvestable quota of salmon is available for the troll fleet. These rules are adopted at the recommendation of the Pacific Fisheries Management Council, in accordance with preseason fishing plans. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

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

Date Adopted: July 26, 2007.

Loreva M. Preuss
for Jeff Koenings
Director

NEW SECTION

WAC 220-24-04000H 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:

July 28 through July 31, 2007;

August 4 through August 7, 2007;

August 11 through August 14, 2007;

August 18 through August 21, 2007;

August 25 through August 28, 2007;

September 1 through September 4, 2007;

September 8 through September 11, 2007;

September 15 through September 16, 2007.

(2) The Cape Flattery and Columbia River Control Zones are closed. Mandatory Yelloweye Rockfish Conservation Area is closed.

(3) Landing and possession limit of 20 Chinook per boat per entire open period for openings through September 16 for catch areas 1, 2, 3, and 4.

(4) Minimum size for Chinook salmon is 28 inches in length. No minimum size for pink, sockeye or chum salmon. Minimum size for coho salmon is 16 inches in length. It is unlawful to possess coho salmon that do not have a healed adipose fin clip.

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

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

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

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

ning northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N. lat., 124°05'20" W. long.), and then along the north jetty to the point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

(9) Mandatory Yelloweye Rockfish Conservation Area - The area is closed in Washington Marine Catch Area 3 from 48°00.00' N latitude; 125°14.00' W longitude to 48°02.00' N latitude; 125°14.00' W longitude to 48°02.00' N latitude; 125°16.50' W longitude to 48°00.00' N latitude; 125°16.50' W longitude and connecting back to 48°00.00' N latitude; 125°14.00' W longitude.

(10) 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.

(11) It is unlawful for wholesale dealers and trollers retailing their fish to fail to report their landing by 10:00 a.m. the day following landing. Ticket information can be telephoned in by calling 1-866-791-1279, faxing the information to (360) 902-2949, or e-mailing to trollfishtickets@dfw.wa.gov. Report the dealer name, the 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 error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-04000G All-citizen commercial salmon troll. (07-125)

**WSR 07-16-075
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 07-153—Filed July 27, 2007, 3:01 p.m., effective July 29, 2007, 12:01 a.m.]

Effective Date of Rule: July 29, 2007, 12:01 a.m.

Purpose: Amend personal use rules.

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

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: It appears that the Area 10 chinook selective fishery quota of 1,700 harvested chinook has been attained. This regulation prohibits the retention of chinook in Area 10. These emergency rules are necessary to comply with agreed-to management plans, and are interim until permanent rules take effect.

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

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

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

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

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

Date Adopted: July 27, 2007.

J. P. Koenings
Director

NEW SECTION

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

Notwithstanding the provisions of WAC 232-28-621, WAC 220-56-128, and WAC 220-56-195, effective 12:01 a.m. July 29, 2007, until further notice, it is unlawful to fish for salmon in Puget Sound except as provided for in this section, provided that unless otherwise amended, all permanent rules remain in effect:

(1) Area 5 - Open immediately until further notice - Daily limit 2 salmon plus 2 additional pink, except release chum, wild Chinook, and wild coho. Single-point barbless required.

(2) Area 6 - Open immediately until further notice - Daily limit 2 salmon plus 2 additional pink, except release chum and wild coho; release wild Chinook west of a true north-south line through Buoy #2 immediately east of Ediz Hook; and release all Chinook east of a true north-south line through Buoy #2 immediately east of Ediz Hook. Single-point barbless hooks required.

(3) Area 7:

(a) Waters of Bellingham Bay described in WAC 220-56-195(1) closed immediately through August 15. Open August 16 until further notice - Daily limit 4 salmon, not more than 2 of which may be Chinook salmon; release pink.

(b) All other waters of Area 7 - Open immediately until further notice, daily limit 2 salmon, not more than one of which may be a Chinook salmon, plus 2 additional pink; and effective beginning August 1, release chum and wild coho, and single-point barbless hooks required.

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

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

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

(b) Effective August 1 until further notice - All other waters of Area 8-2 open. Daily limit 2 salmon plus 2 additional pink, except release Chinook.

(6) **Area 9:**

(a) Salmon fishing open year-round from the Edmonds fishing pier. Daily limit 2 salmon, not more than one of which may be a Chinook, plus 2 additional pink; and effective beginning August 1, release chum.

(b) Effective immediately until further notice - All other waters of Area 9 open with the following area rules, limits, and species restrictions:

(i) Immediately through August 15, daily limit 2 salmon plus 2 additional pink, except release wild Chinook and chum. Single-point barbless hooks required. Closed south of a line from Foulweather Bluff to Olele Point.

(ii) August 16 until further notice, daily limit 2 salmon plus 2 additional pink, except release Chinook and chum.

(7) **Area 10:**

(a) Salmon fishing open year-round from the Elliott Bay public fishing pier, Seacrest pier, Waterman pier, Bremerton boardwalk, and Illahee State Park pier. Daily limit 2 salmon, not more than one of which may be a Chinook, plus 2 additional pink; and effective beginning August 1, release chum.

(b) Effective immediately until further notice, all other waters of Area 10 open with the following area rules, limits, and species restrictions:

(i) Effective immediately until further notice, daily limit 2 salmon plus 2 additional pink, except release Chinook and chum.

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

(iii) Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge, south of a line projected true west from Battle Point and west of a line projected true south from Point White: daily limit 2 salmon, lawful to retain any Chinook; and effective August 1, release chum.

(iv) Effective immediately through August 21, Elliott Bay east of a line from West Point to Alki Point is closed; except immediately through 11:59 a.m. August 20 - Open east of a line from Pier 91 to Duwamish Head, Friday through Monday of each week - Daily limit of 2 salmon plus 2 additional pink, lawful to retain any Chinook, and release chum August 1 through August 20.

(v) Effective immediately until further notice, Duwamish waterway downstream from the First Avenue South Bridge to an east-west line through Southwest Hanford Street on Harbor Island parallel to Southwest Spokane Street where it crosses Harbor Island: Night closure, only 1 single-point barbless hook may be used, and only fish hooked inside the mouth may be retained.

(8) **Area 11:**

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

(b) Effective immediately until further notice - All other waters of Area 11 open. Daily limit 2 salmon plus 2 additional pink, except release wild Chinook. Those waters east of a line projected from the Sperry Ocean Dock to landfall below the Cliff House Restaurant on the north shore of Commencement Bay are closed immediately through July 31. Single-point barbless hooks required.

(9) **Area 13:**

(a) Salmon fishing open year-round from the Fox Island public fishing pier. Daily limit 2 salmon, not more than one of which may be a Chinook, except release wild coho; and single-point barbless hooks required.

(b) All other waters of Area 13, open immediately until further notice, with the following area rules, limits and species restrictions:

(i) Immediately until further notice - Daily limit 2 salmon, except release wild coho and wild Chinook. Single-point barbless hooks required.

(ii) Carr Inlet - those waters of Carr Inlet north of a line from Green Point to Penrose Point, open to salmon angling immediately through July 31, terminal gear restricted to fly fishing only, daily limit 2 hatchery coho.

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

REPEALER

The following section of the Washington Administrative Code is repealed, effective 12:01 a.m. July 29, 2007:

WAC 232-28-62100W Puget Sound salmon seasons—2007 North of Falcon. (07-67)

**WSR 07-16-098
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 07-155—Filed July 30, 2007, 3:58 p.m., effective August 2, 2007, 7:00 p.m.]

Effective Date of Rule: August 2, 2007, 7:00 p.m.

Purpose: The purpose of this rule making is to allow fishing opportunity in the Columbia River while protecting salmon listed as threatened or endangered under the Endangered Species Act. This rule making implements federal court orders governing Washington's relationship with treaty Indian tribes, federal law governing Washington's relationship with Oregon, and Washington fish and wildlife commission policy guidance for Columbia River fisheries.

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

Statutory Authority for Adoption: RCW 77.04.130, 77.12.045, and 77.12.047.

Other Authority: *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2005-2007 Interim Management Agreement For Upriver Chinook, Sockeye, Steelhead, Coho & White Sturgeon (May 11, 2005) (Doc. No. 2407); *Northwest Gillnetters Ass'n v. Sandison*, 95 Wn.2d 638, 628 P.2d 800 (1981); Washington fish and wildlife commission policies concerning Columbia River fisheries; 40 Stat. 515 (Columbia River compact).

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

Reasons for this Finding: Sets the initial early fall commercial fishing period for 2007. Season is consistent with the 2005-2007 interim management agreement, the 2007 non-Indian allocation agreement and commercial sturgeon harvest guidelines adopted for 2007. Regulation is consistent with compact action of July 26, 2007. There is insufficient time to promulgate permanent rules.

Washington and Oregon jointly regulate Columbia River fisheries under the congressionally ratified Columbia River compact. Four Indian tribes have treaty fishing rights in the Columbia River. The treaties preempt state regulations that fail to allow the tribes an opportunity to take a fair share of the available fish, and the states must manage other fisheries accordingly. *Sohappy v. Smith*, 302 F. Supp. 899 (D. Or. 1969). A federal court order sets the current parameters for sharing between treaty Indians and others. *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2005-2007 Interim Management Agreement For Upriver Chinook, Sockeye, Steelhead, Coho & White Sturgeon (May 11, 2005) (Doc. No. 2407).

Some Columbia River Basin salmon and steelhead stocks are listed as threatened or endangered under the federal Endangered Species Act. The National Marine Fisheries Service has issued biological opinions under 16 U.S.C. § 1536 that allow for some incidental take of these species in treaty and nontreaty Columbia River fisheries. The Washington and Oregon fish and wildlife commissions have developed policies to guide the implementation of these biological opinions in the states' regulation of nontreaty fisheries. Columbia River nontreaty fisheries are monitored very closely to ensure compliance with federal court orders, the Endangered Species Act, and commission guidelines. Because conditions change rapidly, the fisheries are managed almost exclusively by emergency rule. Representatives from the Washington (WDFW) and Oregon (ODFW) departments of fish and wildlife convene public hearings and take public testimony when considering proposals for new emergency rules. WDFW and ODFW then adopt regulations reflecting agreements reached.

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: July 31 [30], 2007.

J. P. Koenings
Director

NEW SECTION

WAC 220-33-01000K 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 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. AREA: SMCRA 1A, 1B, 1C, 1D, and 1E

2. SEASON:

a. 7:00 p.m. Thursday August 2 to 7:00 a.m. Friday August 3

b. 7:00 p.m. Monday August 6 to 7:00 a.m. Tuesday August 7

c. 7:00 p.m. Thursday August 9 to 7:00 a.m. Friday August 10

3. GEAR: Drift gill nets only. 9-inch minimum mesh and 9-3/4 inch maximum mesh

a. In the Columbia River downstream of Bonneville Dam and in the Select Areas (described in WAC 220-22-010(9)), a person may have onboard a commercial fishing vessel more than one licensed net, in as long as the net or nets are of legal size for the fishery, or the net has a minimum mesh size of 9 inches, and the length of any one net does not exceed 1,500 feet in length.

b. Nets not lawful for use at that time and area may be onboard the boat if properly stored. A "properly stored" net is defined as a net on a drum that is fully covered by tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

4. ALLOWABLE SALE: Salmon and white sturgeon.

a. A maximum of twelve white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open.

b. The sturgeon possession/sales limit includes only mainstem fisheries.

c. Green sturgeon retention is prohibited.

d. It is unlawful to fail to return immediately to the water any sturgeon taken in excess of any commercial catch or possession limits prescribed by the Department rule

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

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

is required, Columbia River reports must be submitted within 24 hours of closure of the designated fishery.

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:01 a.m. August 10, 2007:

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

WSR 07-16-099 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 07-156—Filed July 30, 2007, 4:03 p.m., effective August 1, 2007,
6:00 a.m.]

Effective Date of Rule: August 1, 2007, 6:00 a.m.

Purpose: The purpose of this rule making is to provide for treaty Indian fishing opportunity in the Columbia while protecting salmon listed as threatened or endangered under the Endangered Species Act. This rule making implements federal court orders governing Washington's relationship with treaty Indian tribes and federal law governing Washington's relationship with Oregon.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05700Z; and amending WAC 220-32-057.

Statutory Authority for Adoption: RCW 77.04.130, 77.12.045, and 77.12.047.

Other Authority: *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2005-2007 Interim Management Agreement For Upriver Chinook, Sockeye, Steelhead, Coho & White Sturgeon (May 11, 2005) (Doc. No. 2407); *Puget Sound Gillnetters Ass'n v. Moos*, 92 Wn.2d 939, 603 P.2d 819 (1979); 40 Stat. 515 (Columbia River compact).

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

Reasons for this Finding: Reopens the John Day pool for a sturgeon set line season. There is room on the guideline to allow for a season, and harvestable numbers of sturgeon are available. Conforms state rules to tribal rules. Consistent with compact action of July 26, 2007. There is insufficient time to promulgate permanent regulations.

The Yakama, Warm Springs, Umatilla, and Nez Perce Indian tribes have treaty fishing rights in the Columbia River and inherent sovereign authority to regulate their fisheries. Washington and Oregon also have some authority to regulate fishing by treaty Indians in the Columbia River, authority that the states exercise jointly under the congressionally ratified Columbia River compact. *Sohappy v. Smith*, 302 F. Supp. 899 (D. Or. 1969). The tribes and the states adopt parallel regulations for treaty Indian fisheries under the supervision of the federal courts. A court order sets the current parame-

ters. *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2005-2007 Interim Management Agreement For Upriver Chinook, Sockeye, Steelhead, Coho & White Sturgeon (May 11, 2005) (Doc. No. 2407). Some salmon and steelhead stocks in the Columbia River are listed as threatened or endangered under the federal Endangered Species Act. The National Marine Fisheries Service has issued a biological opinion under 16 U.S.C. § 1536 that allows for some incidental take of these species in the fisheries as described in the 2005-2007 interim management agreement.

Columbia River fisheries are monitored very closely to ensure consistency with court orders and Endangered Species Act guidelines. Because conditions change rapidly, the fisheries are managed almost exclusively by emergency rule. As required by court order, the Washington (WDFW) and Oregon (ODFW) departments of fish and wildlife convene public hearings and invite tribal participation when considering proposals for new emergency rules affecting treaty fishing rights. *Sohappy*, 302 F. Supp. at 912. WDFW and ODFW then adopt regulations reflecting agreements reached.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, Amended 0, Repealed 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 1, Amended 0, Repealed 1.

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

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

Date Adopted: July 30, 2007.

J. P. Koenings
Director

NEW SECTION

WAC 220-32-05700Z Columbia River sturgeon seasons above Bonneville Dam Notwithstanding the provisions of WAC 220-32-057, effective immediately, it is unlawful to take, fish for or possess sturgeon for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, except that those individuals possessing treaty fishing rights under the Yakama, Warm Springs, Umatilla, and Nez Perce treaties may fish for sturgeon with set line gear under the following provisions:

1) **Open period:** 6:00 a.m. August 1, 2007 through 6:00 p.m. August 18, 2007.

2) Open area: 1H (John Day Pool only).

3) **Gear:** Setlines. Fishers are encouraged to use circle hooks and avoid J-hooks. It is unlawful to use setline gear with more than 100 hooks per set line, with hooks less than the minimum size of 9/0, with treble hooks, without visible buoys attached, and with buoys that do not specify operator and tribal identification.

4) **Allowable Sales:** Sturgeon between 45 and 60 inches in length from Bonneville Pool (1F) and between 48 and 60 inches in length from The Dalles pool (1G). Sturgeon within the size limits stated above and caught in the platform hook and line fishery in the Bonneville and Dalles Pool (1F, 1G) during the open periods of the setline fishery may be sold. Sturgeon between 45 inches and 60 inches in length may be retained in the Bonneville Pool (1F) for subsistence purposes. Sturgeon between 4 feet and 5 feet in length may be retained in The Dalles and John Day pools (1G, 1H) for subsistence purposes.

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

6) **Area 1F (Bonneville Pool)** shall include those waters of the Columbia River upstream from the Bridge of the Gods, located approximately 2.3 miles above Bonneville Dam, and downstream of a line projected from the west end of the Port of The Dalles Dock across the Columbia River to a Washington department of fisheries' boundary marker on the Washington shore.

7) **Area 1G (The Dalles Pool)** shall include those waters of the Columbia River upstream from a line projected from an Oregon department of fish and wildlife deadline marker on the Oregon shore to the 5-mile-lock light (6 seconds red) on an island near the Oregon shore, to an island near the Washington shore to a Washington department of fisheries' fishing boundary marker on the Washington shore at the southwest corner of Horsethief Lake, SP&S Railroad fill and downstream of a line projected across the thread of the Columbia River at the grain elevator at Rufus, Oregon, to a deadline marker on the Washington shore.

8) **Area 1H (John Day Pool)** shall include those waters of the Columbia River upstream from a line projected across the thread of the Columbia River from a fishing boundary marker approximately 1/2-mile above the John Day River, Oregon, to a fishing boundary marker on the Washington shore and downstream of a line projected across the thread of the Columbia River from the upstream bank of the Umatilla River.

9) **Miscellaneous:** It is unlawful to sell, barter, or attempt to sell or barter sturgeon eggs that have been removed from the body cavity of a sturgeon prior to sale of the sturgeon to a wholesale dealer licensed under chapter RCW 75.28, or to sell or barter sturgeon eggs at retail. It is unlawful to deliver to a wholesale dealer licensed under chapter RCW 75.28 any sturgeon that are not in the round with the head and tail intact.

10) **OTHER:** Quick reporting required for Washington wholesale dealers, WAC 220-69-240. When quick reporting is required, Columbia River reports must be submitted within 24 hours of closure of the designated fishery.

REPEALER

The following section of the Washington Administrative Code is repealed, effective 6:01 p.m. August 18, 2007:

WAC 220-32-05700Z	Columbia River sturgeon seasons above Bonneville Dam.
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WSR 07-16-112

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed July 31, 2007, 10:42 a.m., effective July 31, 2007]

Effective Date of Rule: July 31, 2007.

Purpose: The department is proposing the amendment of WAC 388-444-0025 Food stamp employment and training (FS E&T) - Payments for FS E&T related expenses to allow participants in FS E&T programs to be eligible for dependent care payments for dependent children age zero to six years of age as allowed under Title 7 C.F.R. 273.7 (d)(4)(i). Under the current rule, only participants with a dependent child age six-twelve qualifies for dependent care payments.

Citation of Existing Rules Affected by this Order: Amending WAC 388-444-0025.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, and 74.08.090.

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 amendment will allow participants in food stamp employment and training programs to have their dependent care costs paid by the department for children zero to six years of age. Without this change participants with children under age six would not be able to receive child care support services for participation. This would prevent them from meeting their participation requirements and place the entire family in imminent danger of being unable to seek employment and achieve self-sufficiency. This change will encourage participation in food stamp employment and training programs with the goal of helping families achieve self-sufficiency. This continues the emergency rule filed as WSR 07-08-096 while the department continues the permanent rule-making process. The department has filed a preproposal statement of inquiry as WSR 07-12-059 and plans to file a proposed rule-making notice in early August.

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

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

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

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

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

Date Adopted: July 27, 2007.

Stephanie E. Schiller
Rules Coordinator

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-444-0025 Payments for FS E&T related expenses. (1) Some of a client's actual expenses needed to participate in the FS E&T program may be paid by the department. Allowable expenses are:

- (a) Transportation related costs; and
- (b) Dependent care costs for each dependent ((~~six~~))

through twelve years of age.

(2) Dependent care payments are not paid if:

(a) The child is thirteen years of age or older unless the child is:

- (i) Physically and/or mentally incapable of self-care; or
- (ii) Under court order requiring adult supervision; or
- (b) Any member in the food assistance unit provides the dependent care.

(3) Dependent care payments paid by the department cannot be claimed as an expense and used in calculating the dependent care deduction as provided in WAC 388-450-0185.

WSR 07-16-122
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 07-159—Filed July 31, 2007, 2:50 p.m., effective August 1, 2007, 12:01 a.m.]

Effective Date of Rule: August 1, 2007, 12:01 a.m.

Purpose: Amend personal use rules.

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

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: Estimates indicate that the Area 9 and 10 chinook selective fishery quota of 7,000 harvested chinook has been attained. Area 10 had previously been closed by emergency rule, as the 1,700 harvested chinook subquota had been reached there. This regulation prohibits the retention of chinook in Area 9. These emergency rules are necessary to comply with agreed-to management plans with the tribes. 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: July 31, 2007.

J. P. Koenings
Director

NEW SECTION

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

Notwithstanding the provisions of WAC 232-28-621, WAC 220-56-128, and WAC 220-56-195, effective 12:01 a.m. August 1, 2007, until further notice, it is unlawful to fish for salmon in Puget Sound except as provided for in this section, provided that unless otherwise amended, all permanent rules remain in effect:

(1) Area 5 - Open immediately until further notice - Daily limit 2 salmon plus 2 additional pink, except release chum, wild Chinook, and wild coho. Single-point barbless hooks required.

(2) Area 6 - Open immediately until further notice - Daily limit 2 salmon plus 2 additional pink, except release chum and wild coho; release wild Chinook west of a true north-south line through Buoy #2 immediately east of Ediz Hook; and release all Chinook east of a true north-south line through Buoy #2 immediately east of Ediz Hook. Single-point barbless hooks required.

(3) Area 7:

(a) Waters of Bellingham Bay described in WAC 220-56-195(1) closed immediately through August 15. Open August 16 until further notice - Daily limit 4 salmon, not more than 2 of which may be Chinook salmon; release pink.

(b) All other waters of Area 7 - Open immediately until further notice, daily limit 2 salmon, not more than one of which may be a Chinook salmon, plus 2 additional pink, except release chum and wild coho. Single-point barbless hooks required.

(4) Area 8-1 - Open immediately until further notice, daily limit 2 salmon, except release Chinook and pink.

(5) Area 8-2:

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

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

(6) Area 9:

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

(b) Effective immediately until further notice - All other waters of Area 9, open daily, limit 2 salmon plus 2 additional pink, except release Chinook and chum.

(7) Area 10:

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

(b) Effective immediately until further notice, all other waters of Area 10 open with the following area rules, limits, and species restrictions:

(i) Effective immediately until further notice, daily limit 2 salmon plus 2 additional pink, except release Chinook and chum.

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

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

(iv) Effective immediately through August 21, Elliott Bay east of a line from West Point to Alki Point is closed; except immediately through 11:59 a.m. August 20 - Open east of a line from Pier 91 to Duwamish Head, Friday through Monday of each week - Daily limit of 2 salmon plus 2 additional pink, lawful to retain any Chinook, and except release chum.

(v) Effective immediately until further notice, Duwamish waterway downstream from the First Avenue South Bridge to an east-west line through Southwest Hanford Street on Harbor Island parallel to Southwest Spokane Street where it crosses Harbor Island: Night closure, only 1 single-point barbless hook may be used, and only fish hooked inside the mouth may be retained.

(8) Area 11:

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

(b) Effective immediately until further notice - All other waters of Area 11 open. Daily limit 2 salmon plus 2 additional pink, except release wild Chinook. Single-point barbless hooks required.

(9) Area 13:

(a) Salmon fishing open year-round from the Fox Island public fishing pier. Daily limit 2 salmon, not more than one of which may be a Chinook, except release wild coho; and single-point barbless hooks required.

(b) Effective immediately until further notice, all other waters of Area 13 open. Daily limit 2 salmon, except release wild coho and wild Chinook. Single-point barbless hooks required.

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

REPEALER

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

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

WSR 07-16-124**EMERGENCY RULES****DEPARTMENT OF****FISH AND WILDLIFE**

[Order 07-161—Filed July 31, 2007, 4:31 p.m., effective July 31, 2007, 4:31 p.m.]

Effective Date of Rule: Immediately.

Purpose: To support existing ballast water laws under chapter 77.120 RCW and to implement new requirements under E2SSB 5923 that became effective on July 22, 2007.

Citation of Existing Rules Affected by this Order: Amending WAC 220-77-090 (Amending Order 06-35, filed 3/2/06, effective 4/2/06) and 220-77-095 (Amending Order 02-185, filed 8/9/02, effective 9/9/02).

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: A new law, E2SSB 5923, became effective on July 22, 2007. The law regulates the control of aquatic invasive species (AIS) and the management of ballast water. Ballast water can carry chemicals, other pollutants, and AIS, making it a significant risk to the marine and fresh waters of the state, and therefore to the health, safety, and general welfare of Washington residents. It is vitally important to prevent the introduction of AIS and ballast-water pollution because once introduced, they are very difficult and costly to eradicate.

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 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

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

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

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

Date Adopted: July 31, 2007.

Phil Anderson
for Jeff Koenings
Director

AMENDATORY SECTION (Amending Order 06-35, filed 3/2/06, effective 4/2/06)

WAC 220-77-090 Ballast water management and control—Reporting and sampling requirements. (1) Vessels ~~((which))~~ that are subject to chapter 77.120 RCW ~~((and which intend to discharge ballast water into Washington state waters))~~ must report ballast water management information at least twenty-four hours prior to entering Washington waters by filing a ballast water ~~((report))~~ reporting form pursuant to Title 33 C.F.R. Part 151.2045 ~~((with the department's designated agents as follows:~~

~~((a)))~~ Forms must be submitted in electronic format (preferred) or by fax to:

(a) The department, at ballastwater@dfw.wa.gov or 360-902-2845, for any vessel entering state waters at any location;
or

(b) The Marine Exchange of Puget Sound in Seattle, at waballast@aol.com or 206-443-3839, for vessels bound for Puget Sound or coastal ports ((must file their ballast water reporting form with the Marine Exchange of Puget Sound in Seattle. Forms must be submitted by fax or in electronic format:

~~((b)))~~; or

(c) The Merchants Exchange of Portland, at Marine.Room@pdxmex.com or 503-295-3660, for vessels bound for Washington ports on the Columbia River ((must file their ballast water reporting form with the Merchants Exchange of Portland. Forms must be submitted by fax or in electronic format)).

(2) Vessels not intending to discharge ballast water into Washington state waters shall notify the department in one of the following ways:

(a) ~~((Vessel operators))~~ Owners or operators of one or more vessels who do not wish to file a ballast water reporting form may send a signed form letter, as provided by the department and at least thirty days prior to entering Washington waters, to the department by e-mail at ballastwater@dfw.wa.gov; by fax at 360-902-2845; or by U.S. mail to the state ANS coordinator((-)) at Department of Fish and Wildlife, 600 Capitol Way No., Olympia, WA 98501-1091((-, which)). The signed letter must include((-s)) the following information:

(i) Vessel name(s), identification number(s) (International Maritime Organization, Lloyds of London, or U.S. Coast Guard registry number), owner, agent, and vessel type(s); and

(ii) A statement that the vessel will not discharge ballast water into Washington state waters; and

(iii) The signature of the owner, operator, or other authorized representative.

(b) Vessels that would normally discharge ballast water, but will not discharge on ~~((any given))~~ a particular trip, may ((continue to)) file the ballast water reporting form, at least twenty-four hours prior to entering Washington waters, with "not discharging" written in the ballast water history section.

(3) The department, or designated representatives, may at reasonable times and in a reasonable manner, during a vessel's scheduled stay in port, take samples of ballast water and sediment, may examine ballast water management records, and may make other appropriate inquiries to assess the compliance of vessels with ballast water reporting and control requirements.

~~((4))~~ Interim report for implementing 2007 ballast water exchange program:

~~((a))~~ All vessels subject to chapter 77.120 RCW that enter Washington waters after July 1, 2007, will be prohibited from discharging ballast water under the safety exemptions to the ballast water exchange program. In order to implement the 2007 program, vessel information is required to be on file with the department prior to July 1, 2006.

~~((b))~~ All vessels subject to chapter 77.120 RCW that enter Washington waters after July 1, 2006, are required, prior to July 1, 2006, to file a Washington State Interim Ballast Water Management Report Form on the report form provided in (d) of this subsection.

~~((c))~~ A vessel subject to chapter 77.120 RCW that enters Washington waters after July 1, 2006, and for which the vessel owner has not submitted a Washington State Interim Ballast Water Management Report Form is subject to a five hundred dollar reporting penalty.

~~((d))~~ Washington State Interim Ballast Water Management Report Form and Instructions:

**Completion Instructions For:
Washington State Interim Ballast Water Management Report Form**

(Please type in English)

SECTION 1. OWNER/OPERATOR

Vessel(s) Owner Information: Write in the name of the registered owner(s) of the vessel. If under charter, enter Operator name. Also provide mailing address.

Responsible Party Information: Print the person's name, company and contact information (current phone number and e-mail) of the person responsible for administering the management plan described below.

SECTION 2. FLEET INFORMATION

Vessel Name: Print the name of each vessel covered by this management report. A separate report is required for vessels that will use different methods of ballast management. For example: Five vessels may be listed in one report that are going to use the same type of ballast treatment system. A separate report would be required for another five vessels that intend to use ballast exchange and retaining ballast onboard as a management option.

Existing Vessel or New Build: Fill in "Existing Vessel" if this is an existing vessel currently in operation. Fill in "New Build 1," "New Build 2" etc., for vessels that are in a design or new construction phase, but not yet in operation.

IMO Number: Fill in identification number of the vessel used by the International Maritime Organization.

Type: List specific vessel type. Use the following abbreviations: Bulk (be), ro-ro (rr), container (cs), tanker (ts), passenger (pa), oil/bulk ore (ob), general cargo (gc), reefer (rf). Write out any additional vessel types.

GT: What is the Gross Tonnage of the vessel?

Ballast Capacity: What is the maximum volume of ballast water used when no cargo is on board? *Please include volume units in m³.*

SECTION 3. BALLAST MANAGEMENT COMPLIANCE PLAN (2007)

a. Retaining ballast: Check yes or no to indicate if the vessel's ballast management plan considers retaining some or all ballast on board when in Washington state waters.

b. Local waters: Check yes or no to indicate if the vessel's ballast management plan includes the discharge of water that originated solely within local waters.

c. Ballast exchange: Check yes or no to indicate whether the vessel's ballast management plan will include ballast exchange.

d. If unable to exchange: Safety exemptions will no longer be an acceptable management option in Washington state waters after July 1, 2007. Vessel operators that are using ballast exchange should describe how they will manage ballast

discharges into Washington state waters if unable to conduct a safe exchange at sea.

e. Ballast Treatment System: Vessel operators that intend to use a ballast treatment system as a ballast management option should complete subsections **f.** through **l.**

Note: Dates supplied within subsections **h.** through **k.** can be estimated. **Additional Comments** under subsection **l.** are optional.

FOOTER, SIGNATURE AND DATE

Signature of Responsible Party: Forms submitted by fax or mail require the signature of the responsible party. Forms submitted by e-mail do not require a signature; however, the responsible party sending the form by e-mail is certifying that all information contained is complete and accurate. If you choose to send the PDF version of the form by e-mail, a message will inform you that "you are sending a data file only, not the form;" This is the correct submittal process.

Date of Submission: Provide date on which form was submitted.

1. Owner/Operator	Vessel(s) Owner Information:		Responsible Party Information:	
	Name	_____	Name	_____
	Address	_____	Address	_____
	City, State/Province Zip	_____	City, State/Province Zip	_____
	Country	_____	Country	_____
	Telephone Number	_____	Telephone Number	_____
	E-mail	_____	E-mail	_____

2. Fleet Information						
	Vessel Name	Existing Vessel, or New Build	IMO#	Type	GT	Ballast Capacity
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						

Notes:
 1. If you need to list additional vessels, make sure cursor is in last row of table, select "Table" on the menu bar, choose "Insert," then select "Rows Below."
 2. Use one reporting form for each ballast water management plan.
 3. See attached instruction form.

3. Ballast Management Compliance Plan (2007)

a. Does this management plan include retaining ballast on board?	Yes	No
b. Does this management plan include the discharge of water that originated solely within "local waters" ?	Yes	No
e. Does this management plan include ballast exchange ?	Yes	No
d. If considering ballast exchange: How will you handle ballast if unable to exchange at sea?		

e. Does this management plan include a ballast treatment system ? If yes, complete f. Yes No	
through l.	
f. Vendor Company	
g. Vendor Contact	
h. Final System Selection Date	j. System Purchase Date
i. System Installation Date	k. System Operational Date
l. Additional Comments	
Responsible Party Signature: _____ Date: _____ <i>By submitting this form by e-mail, the responsible party is certifying that all information provided is complete and accurate.)</i>	

(4) Vessel operators claiming a safety exemption under RCW 77.120.030(4) must notify the department of their intent to do so on the ballast water reporting form as required in subsection (1) of this section. Notification requires writing the words "SAFETY EXEMPTION" on the form where it asks "If no ballast treatment conducted, state reason why not:" and stating the cause as either "ADVERSE WEATHER," "VESSEL DESIGN LIMITATION," "EQUIPMENT FAILURE," or "EXTRAORDINARY CONDITION."

(a) No safety exemption request is required if the vessel does not intend to discharge unexchanged or untreated ballast water and they follow the requirements under subsection (2) of this section.

(b) Vessel operators may rescind a safety exemption claim by filing an amended ballast water reporting form and notifying the department as required in subsection (1) of this section.

(5) The department will review safety exemption claims as noted in subsections (3) and (4) of this section.

(a) The department will determine whether a compliance plan and alternative strategy are required. Compliance plans and alternative interim strategies will be established to minimize discharge of future unexchanged ballast water until compliance with this section can be met.

(b) The department will assess a safety exemption fee using the following as guidance:

(i) Minimum five hundred dollar fee for administrative costs to assess compliance; and

(ii) Larger fees may be assessed by the department based on vessel history, risk, and degree of failure to implement prior compliance plans and alternative strategies.

(6) The department may impose civil penalties ranging from a warning letter up to twenty-seven thousand five hundred dollars for violation of the requirements of this section pursuant to RCW 77.120.070. Each day of a continuing violation constitutes a separate violation. The department will assess civil penalties based on elements that include, but are not limited to:

(a) Degree and nature of failure in meeting reporting requirements;

(b) Degree and nature of failure in allowing reasonable department inspection of a vessel's ballast water management records or allowing samples to be taken from ballast tanks;

(c) Degree and nature of failure in preventing or stopping discharge upon request by department;

(d) Volume and risk of introducing invasive species based on the source of unexchanged or untreated discharge;

(e) Discharge of treated water using a technology that has not been approved for use in waters of the state; and

(f) Vessel and operator violation history.

AMENDATORY SECTION (Amending Order 02-185, filed 8/9/02, effective 9/9/02)

WAC 220-77-095 Interim ballast water discharge standard approval process. (1) The Washington state interim ballast water discharge standard is inactivation or removal of ninety-five percent of zooplankton organisms and ninety-nine percent of phytoplankton and bacteria organism.

(2) Vessels subject to chapter 77.120 RCW that have not adequately exchanged their ballast water must treat their ballast to meet or exceed the state discharge standards prior to ~~((discharge))~~ discharging ballast water into Washington waters, after July ~~((4)) 22, ((2004)) 2007.~~

~~((3))~~ (3) An interim approval process shall be used to ((evaluate ballast water treatment technologies and)) provide approval for ~~((certain))~~ ballast water treatment technologies that are determined to meet, or have the potential to meet, the Washington state interim ballast water discharge standard. Only ballast water treatment technologies that are approved through this process may be used on specified vessels to discharge treated ballast water into Washington waters ~~((following the guidelines identified within the approval process. Ballast water treatment technology vendors or vessel owners may submit ballast treatment technology for evaluation through the following process:~~

~~((a))~~ (a) Applications for approval will be accepted by the director or the director's designee).

(a) Approval for use of a technology in waters of the state must meet one or more of the following criteria:

(i) The technology was previously approved by the department for use in waters of the state for the term as specified in their approval letter;

(ii) The technology was approved by the U.S. Coast Guard for use in national waters;

(iii) The vessel was enrolled in the U.S. Coast Guard STEP program;

(iv) The technology was approved by the state of California for use in their state waters;

(v) The technology was approved by the International Maritime Organization (IMO) and authorized by the U.S.

State Department and U.S. Coast Guard for use in national waters; or

(vi) The vessel was enrolled in the IMO approval process and authorized by the U.S. State Department and U.S. Coast Guard for use in national waters.

(b) Technologies using chemicals or that produce chemical by-products upon discharge will be evaluated by the department of ecology for meeting state water quality standards before acceptance.

(c) Technologies may be approved for use on specific vessels in state waters for up to five years.

(d) The director or the director's designee will accept applications for approval at any time. The applicant is to be notified of the department's receipt of the application package within ten working days. If the application package is incomplete, the application will be returned to the applicant with an explanation of the deficiencies or, if the deficiencies are minimal, held for thirty days to allow the applicant to correct the deficiencies. Formal reviews of supporting records and water quality data (~~and proposed study plans~~) will be completed within forty-five days of receipt of the complete application package.

~~((b))~~ Formal reviews will be conducted by a science advisory panel and a maritime advisory panel. Panel members will be appointed by the director or the director's designee. The science advisory panel will provide recommendations to the director or the director's designee regarding the ability of each technology to meet the Washington state interim ballast water discharge standard, the adequacy of the proposed study plan, and determine if such technology should be evaluated as a promising technology that could be considered as a "best available technology." The maritime advisory panel will provide recommendations to the director or the director's designee regarding the ability of each technology to meet the practical needs of the maritime industry, including safety, practicality and cost effectiveness, and determine if such technology should be evaluated as a promising technology that could be considered as a "best available technology."

~~((e))~~ (e) The director, or the director's designee, shall ~~((take into consideration the findings of the scientific advisory panel, and the maritime advisory panel and))~~ make one of the following determinations:

(i) ~~((That))~~ Approval - The ballast water treatment technology ~~((has been approved by the United States Coast Guard or a state agency and is an))~~ is approved ~~((system))~~ for use in Washington state; or

(ii) ~~((To grant general approval to a technology meeting the Washington state interim ballast water discharge standard for a period of five years with stipulations for scientific evaluation. Approval may be revoked if new information shows the technology to be grossly inadequate and incapable of being retrofitted to correct the inadequacy;~~

~~((iii))~~ ~~To grant conditional approval for use on a specific number of vessels for further full-scale testing; or~~

~~((iv))~~ Deny approval - The ballast water treatment technology is not approved for use in Washington state.

~~((f))~~ (f) Criteria for review. Applications for interim approval of a ballast water treatment system shall be evaluated on the completeness of the following:

(i) ~~((A letter of commitment from the technology vendor, the vessel owner installing the technology, and the principal investigators conducting the tests, stating their intents to carry out all components of the study plan for which they are responsible. Principal investigators must be qualified independent researchers. Applications for a treatment system to be used within a specified port must include a letter from the port authority in which the system is to be operated, granting authority for testing or use within the port.))~~ Documentation verification that the technology and vessel(s) meet one of the criteria noted in (a) of this subsection:

(ii) Documentation ~~((stating))~~ verifying that the residual concentrations of any primary treatment chemicals or chemicals that occur as by-products of the treatment meet all applicable regulatory requirements~~((:))~~; and

(iii) ~~((All available))~~ Documentation describing the technical, operational, and installation characteristics of the system.

~~((iv))~~ Documentation from preliminary experiments that demonstrate the potential of the system to meet the Washington state interim ballast water discharge standard. Indicator species may be used to evaluate the technologies' effectiveness. Technologies may be approved that do not currently meet this criteria, but show promise for improvement or are considered to be a "best available technology." The technology should include easily verifiable indicators to ensure the system is operational and effectively treating ballast at the time of treatment.

(v) The discharge from a technology must be environmentally sound and in compliance with existing water quality discharge laws.

(e) Each proposed technology must include a detailed study plan that:

(i) Is organized according to a department approved standardized format.

(ii) Evaluates the effectiveness of the treatment system over a range of operational conditions during operations, including the cumulative hours of operation, volumes treated, times since the tanks were last cleaned of sediment, abundance of organisms, organic and inorganic load, temperature and salinity of water.

(iii) Identifies limiting conditions such as water quality attributes that may affect the performance of the equipment, length of time for adequate treatment, or other factors that may render the technology as inadequate to meet the interim ballast water discharge standard.

(iv) Assures that samples are representative of the flow or volume from which they are taken.

(v) Contains a detailed quality assurance and/or quality control plan.

~~((g))~~ (g) Conditions of approval~~((:))~~ ~~((a))~~;

(i) Approval of a technology shall be withdrawn ~~((after one year if the system is not installed or the testing begun as proposed.~~

(b) Systems approved under the interim approval process shall be considered to meet all ballast water treatment requirements promulgated by the department for a period of five years. In the event subsequent work reveals adverse effects on ecology or human health, approval of the system

~~will be withdrawn unless the treatment system can be repaired to address the system's inadequacies.~~

~~(e)) if the technology or vessel is no longer enrolled in the U.S. Coast Guard STEP or IMO approval process, is no longer approved for use in California waters, or has not been approved for use by the U.S. Coast Guard in national waters or by the IMO in international waters;~~

~~(ii) Systems approved under the interim process will be subject to all subsequent standards and regulations upon the expiration of the interim approval period(:~~

~~(d) Interim approval is contingent on adherence to the detailed study plan described in the application and agreed upon by the applicant and the department.~~

~~(e) The principal scientist and engineers responsible for conducting and analyzing the tests shall submit a report documenting the performance of the equipment and results of the testing to the department within twelve months after installation. Further testing may or may not be required based upon the test results.~~

~~(f)):~~

~~(iii) Vessels or technologies receiving interim approval shall be subject to inspections by the department or the department's designated representative to verify adherence with the terms of this interim approval agreement and the operation of the treatment systems; and~~

~~(iv) Nothing in these rules, ballast water legislation, or laws authorizes the discharge of other pollutants or assures that the technology is safe to operate or that it meets other state, federal, and international laws governing business, marine applications, or other elements.~~

WSR 07-16-137
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 07-160—Filed August 1, 2007, 9:48 a.m., effective August 1, 2007, 9:48 a.m.]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100I; 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 regional 2007 state/tribal shrimp harvest management plans for Puget Sound require adoption of harvest seasons and the prohibition on night time fishing contained in this emergency rule. This emergency rule closes the shrimp fishery in Catch Area 26D and Shrimp Management Area 1A because of projected quota completion in those areas. This regulation also opens Shrimp Management Area 1B. 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.

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

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

Date Adopted: August 1, 2007.

Phil Anderson
for Jeff Koenings
Director

NEW SECTION

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

Puget Sound, except as provided for in this section:

(1) Shrimp pot gear:

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

(i) All waters of Catch Areas 23A-E, 23A-W, 23B, 26B-1, 26C and the Discovery Bay Shrimp District are closed.

(ii) Effective 2:00 p.m. on August 1, 2007, until further notice, all waters of Catch Area 26D will be closed to the harvest of spot shrimp.

(iii) Effective 9:00 p.m., on August 5, 2007, until further notice, all waters of Shrimp Management Areas 1A will be closed to the harvest of all shrimp species.

(b) Effective 6:00 a.m. August 6, 2007, all waters of Shrimp Management Area 1B are open to the harvest of all shrimp species.

(c) The shrimp accounting week is Monday through Sunday.

(d) Effective 6:00 a.m. August 6, 2007, it is unlawful for the harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 200 pounds per week from Shrimp Management Areas 1B and 1C,

(e) Effective immediately until further notice, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, except that any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Area 29 shall not be subject to the weekly spot shrimp trip limit for that week. It is unlawful to fish for any shrimp while in possession, on board the fish-

ing vessel, of any spot shrimp from any previous accounting week.

(f) It is unlawful to set or pull shellfish pots with a mesh size of less than the size as defined below in all waters of Shrimp Management Areas 1A, 1B, 1C, 2E, 2W, 4, and 6, on days when fishing for or retaining spot shrimp. Spot shrimp taken in these areas are not subject to the minimum carapace length restriction.

(i) The minimum mesh size for rigid mesh pots is 1-inch defined as a mesh opening that a 7/8-inch square peg will pass through, excluding the entrance tunnels.

(ii) The minimum mesh size for flexible mesh pots is defined as 1-3/4-inch stretched mesh measure.

(g) It is unlawful to retain spot shrimp taken by shellfish pot gear that have a carapace length less than 1-3/16 inch as measured from the posterior mid-dorsal margin to the posterior-most part of the eye stalk orbit, in all waters of Shrimp Management Area 3.

(h) 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.

(i) 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 that shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(g) above.

(2) Shrimp beam trawl gear:

Shrimp Management Area 3 (outside of the Discovery Bay Shrimp District, Sequim Bay, and Catch Area 23D) is open immediately, until further notice. Sequim Bay includes those waters of Catch Area 25A south of a line projected west from Travis Spit on the Miller Peninsula.

(a) Catch areas 20A and that portion of Catch Areas 20B, 21A and 22A within Shrimp Management Area 1B are open immediately, until further notice.

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

(4) 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 220-52-05100I	Puget Sound shrimp pot and beam trawl fishery—Season (07-151)
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