

WSR 08-13-004
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 08-134—Filed June 5, 2008, 2:00 p.m., effective June 7, 2008]

Effective Date of Rule: June 7, 2008.

Purpose: Amend fishing rules.

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

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: After today's collection of sixty-nine female spring chinook from a week's worth of trapping, the hatchery still needs up to two hundred more fish to meet its collection goal. Lewis River spring chinook returns quickly taper off by mid June. It's uncertain at this time whether the hatchery goal will be met. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 5, 2008.

Loreva M. Preuss
 for Jeff Koenings
 Director

NEW SECTION

WAC 232-28-61900A Exceptions to statewide rules—Lewis River. Notwithstanding the provisions of WAC 232-28-619, effective June 7, 2008, until further notice, it is unlawful to retain Chinook salmon in those waters of the Lewis River from its mouth to the mouth of the East Fork, and waters of the North Fork Lewis River from its mouth to the overhead powerlines below Merwin Dam.

WSR 08-13-005
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 08-133—Filed June 5, 2008, 2:04 p.m., effective June 7, 2008]

Effective Date of Rule: June 7, 2008.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 232-28-61900Z; 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: Washington department of fish and wildlife estimates about one thousand six hundred nonendemic, hatchery origin, and between one hundred thirty-seven and two hundred fourteen natural origin spring chinook are expected to return to the Entiat River in 2008. Based upon these estimates, a selective fishery in the Entiat River is warranted to target nonendemic hatchery spring chinook that have been identified as a risk to the natural origin spring chinook in the Entiat River that are listed as endangered. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Date Adopted: June 5, 2008.

Loreva M. Preuss
 for Jeff Koenings
 Director

NEW SECTION

WAC 232-28-61900Z Exceptions to statewide rules—Entiat River (Chelan Co.) Notwithstanding the provisions of WAC 232-28-619, effective June 7 through July 15, 2008, a person may fish for salmon in those waters of the Entiat River from the Alternate Highway 97 Bridge, upstream approximately 6 miles to 400 feet downstream of the Entiat National Fish Hatchery discharge channel. Daily limit two hatchery Chinook salmon, minimum size 12 inches.

Night closure, non-buoyant lure restriction, and single point barbless hooks required.

REPEALER

The following section of the Washington Administrative Code is repealed effective July 16, 2008:

WAC 232-28-61900Z Exceptions to statewide rules—Entiat River.

WSR 08-13-010
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 08-135—Filed June 6, 2008, 9:09 a.m., effective June 6, 2008, 9:09 a.m.]

Effective Date of Rule: Immediately.

Purpose: Amend fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-25500F; 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 quota to provide for these fishing days. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Date Adopted: June 6, 2008.

Loreva M. Preuss
for Jeff Koenings
Director

NEW SECTION

WAC 220-56-25500G 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 2 - Open until further notice, 12:01 a.m. through 11:59 p.m. on Sundays and Tuesdays only, except waters from 47°25.00'N. latitude (Queets River) south to 46°58.00'N latitude and east of 124°30.00'W longitude, open until further notice, 12:01 a.m. through 11:59 p.m., Fridays through Sundays and Tuesdays only.

(b) Catch Record Card Areas 3 and 4 - Open only 12:01 a.m. through 11:59 p.m. June 17, 2008, and 12:01 a.m. through 11:59 p.m. June 19, 2008, shoreward of a line approximating 30 fathoms from the Bonilla-Tatoosh line, south to the Queets River as described by the following coordinates:

48°24.79'N.lat.;124°44.07'W.long.;

48°24.80'N.lat.;124°44.74'W.long.;

48°23.94'N.lat.;124°44.70'W.long.;

48°23.51'N.lat.;124°45.01'W.long.;

48°22.59'N.lat.;124°44.97'W.long.;

48°21.75'N.lat.;124°45.26'W.long.;

48°21.23'N.lat.;124°47.78'W.long.;

48°20.32'N.lat.;124°49.53'W.long.;

48°16.72'N.lat.;124°51.58'W.long.;

48°10.00'N.lat.;124°52.58'W.long.;

48°05.63'N.lat.;124°52.91'W.long.;

47°56.25'N.lat.;124°52.57'W.long.;

47°40.28'N.lat.;124°40.07'W.long.;

47°31.70'N.lat.;124°37.03'W.long.;

Area 4 east of the Bonilla-Tatoosh line is open at all depths during the open dates.

(c) Catch Record Card Areas 3 and 4 - Open only 12:01 a.m. through 11:59 p.m. June 14, 2008 and 12:01 a.m. through 11:59 p.m. June 21, 2008.

(d) Catch Record Card Areas 6 through 11 and Catch Record Card Area 13 - Open through June 13, 2008, 12:01 a.m. through 11:59 p.m., Thursdays through Mondays only.

(e) Catch Record Card Area 5 - Open through July 21, 2008, 12:01 a.m. through 11:59 p.m., Thursdays through Mondays only.

(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 220-56-25500F Halibut—Seasons—Daily and possession limits. (08-124)

WSR 08-13-026
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 08-136—Filed June 10, 2008, 10:23 a.m., effective June 10, 2008, 10:23 a.m.]

Effective Date of Rule: Immediately.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 232-28-61900R and 232-28-61900C; 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: Creel census data and recent reports from anglers indicate that a large percentage of the spring chinook migrating upstream to Roza Dam are adipose-clipped hatchery fish, both jacks and adults. Hatchery jacks are particularly abundant. Washington department of fish and wildlife and Yakama Nation comanagers want to limit the number of hatchery jacks and adults on the upper Yakima River spawning grounds this fall to prevent adverse genetic impacts to the natural-origin component of the run. There is insufficient time to promulgate permanent rules.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

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

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

Date Adopted: June 10, 2008.

Loreva M. Preuss
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-61900C Exceptions to statewide rules—Yakima River. (1) Notwithstanding the provisions of WAC 232-28-619, effective immediately through June 30, 2008, a person may fish for salmon in waters of the Yakima River from the Interstate 182 bridge in Richland upstream to the SR 225 bridge at Benton City and from the Interstate 82 bridge at Union Gap upstream to 3,500 feet downstream of Roza Dam ("closed water" boundary markers).

(a) Daily limit of six hatchery salmon. Minimum size of 12 inches in length.

(b) Night closure in effect.

(c) One single-point, barbless hook with a gap from point to shank of 3/4 inch or less required for all species.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900R	Exceptions to statewide rules—Yakima River. (08-121)
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The following section of the Washington Administrative Code is repealed effective July 1, 2008:

WAC 232-28-61900C	Exceptions to statewide rules—Yakima River.
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WSR 08-13-029
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 10, 2008, 12:20 p.m., effective June 11, 2008]

Effective Date of Rule: June 11, 2008.

Purpose: The department is proposing to add WAC 388-436-0055 and 388-436-0060 to chapter 388-436 WAC in order to provide the rules for administering the disaster consolidated emergency assistance program (CEAP). The department is also proposing to amend WAC 388-436-0045 regarding income deductions for CEAP. SB 6590, (section 301(6), chapter 181, Laws of 2008), authorized that during a state of emergency and pursuant to an order from the governor, CEAP benefits be extended to individuals and families without children.

Citation of Existing Rules Affected by this Order: Amending WAC 388-436-0045.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.08A.340.

Other Authority: SB 6950 [6590] (section 301(6), chapter 181, Laws of 2008).

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 department is filing the emergency to meet the requirements contained in SB 6590, section 301(6). The department filed the CR-101 under WSR 08-09-109, April 21, 2008, for regular adoption of these WAC changes.

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 2, 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 2, Amended 1, Repealed 0.

Date Adopted: June 3, 2008.

Stephanie E. Schiller
Rules Coordinator

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

WAC 388-436-0045 Income deductions for CEAP. The following deductions are allowed when determining the CEAP assistance unit's net income:

- (1) A ninety dollar work expense from each member's earned income;
- (2) Actual payments made by a member with earned income for care of a member child up to the following maximums:

Hours Worked Per Month	Each Child Under Two Years	Each Child Two Years Or Older
0 - 40	\$ 50.00	\$ 43.75
41 - 80	100.00	87.50
81 - 120	150.00	131.25
121 or More	200.00	175.00

- (3) Verified expenses for members of the assistance unit during the current month as follows:

- (a) Medical bills;
- (b) Child care paid in an emergency in order to avoid abuse;
- (c) Dental care to relieve pain; or
- (d) Costs incurred in obtaining employment.
- (e) For disaster CEAP, disaster related expenses and/or losses suffered as a result of the disaster and the expense and/or loss is not anticipated to be reimbursed during the month of application.

NEW SECTION

WAC 388-436-0055 What is the disaster consolidated assistance program (DCAP)? Disaster consolidated assistance program (DCAP) is paid through the consolidated emergency assistance program (CEAP) and is designed to provide cash assistance to individuals and families who face an emergency and do not have the money to meet their basic needs.

- (1) DCAP is available if you meet all of the following:
 - (a) You suffered losses and live in an area that has been declared a disaster for individuals by the Governor.

- (b) You are not able to live in your home or you cannot return to your home because of the disaster;

- (c) Your home in the disaster area is your primary residence (not a vacation home) and you were living there at the time of the disaster;

- (d) You are a resident of Washington state as defined in WAC 388-468-0005;

- (e) Your net income is under the limits in WAC 388-436-0050(1); and

- (f) You or your family is not eligible for any other program that could meet your need as stated in WAC 388-436-0030.

- (2) Applicants must demonstrate a financial need for emergency funds for one or more of the following basic requirements:

- (a) Food;
- (b) Shelter;
- (c) Clothing;
- (d) Minor medical care;
- (e) Utilities;
- (f) Household maintenance supplies; or
- (g) Necessary clothing or transportation costs to accept or retain a job.

- (3) Payments under this program are limited to not more than thirty consecutive days within a period of twelve consecutive months.

NEW SECTION

WAC 388-436-0060 How much money can I receive from the disaster consolidated assistance program (DCAP)? The amount of money you can get from DCAP depends on your available resources, income and household size as determined below:

- (1) Available resources and income are determined by using WAC 388-436-0035. Excluded resources and income is in WAC 388-436-0040.

- (2) We determine your income based on gross anticipated income for the month of application.

- (3) The maximum amount of money you can receive depends on the size of your household as determined by WAC 388-456-0050(2).

- (4) Your household consists of anyone living with you who you have financial responsibility for or you share financial responsibility for the household such as:

- (a) Your spouse;
- (b) Domestic partner; or
- (c) Your children or step-children.
- (5) How much DCAP you may receive is determined according to calculations described in WAC 388-436-0050(3).

WSR 08-13-032
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 08-137—Filed June 10, 2008, 2:34 p.m., effective June 14, 2008, 7:00 a.m.]

Effective Date of Rule: June 14, 2008, 7:00 a.m.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500G; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: A harvestable amount of spot shrimp is available in the eastern portion of Marine Area 10 for one day of fishing. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Date Adopted: June 10, 2008.

Loreva M. Preuss
for Jeff Koenings
Director

NEW SECTION

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

1) Effective immediately until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 7 and 13, except as provided for in this section.

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

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

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

b) Marine Area 13 is open to the harvest of all shrimp species except Spot shrimp. It is unlawful to possess Spot shrimp, and all Spot shrimp must immediately be returned to the water unharmed.

2) Effective immediately until further notice, all waters equal to or less than 150 feet in depth in Marine Areas 8-1, 8-2, 9 and 11 are open to the harvest of all shrimp species except Spot shrimp. All Spot shrimp caught must be returned to the water immediately. It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

3) It is unlawful to fish for or possess shrimp taken for personal use in all waters of the Marine Area 10, except open from 7:00 a.m. through 3:00 p.m. on June 14, 2008, in all waters of Marine Area 10 easterly of a line from West Point to Alki Point.

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:00 a.m. June 14, 2008:

WAC 220-56-32500G Shrimp—Areas and seasons
(08-132)

WSR 08-13-037

EMERGENCY RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed June 11, 2008, 2:04 p.m., effective June 11, 2008, 2:04 p.m.]

Effective Date of Rule: Immediately.

Purpose: The rule will implement SSB 6751, adopted by the 2008 legislature, which establishes good cause for individuals who quit work to enter an approved apprenticeship training program. The rule describes the conditions under which the amended law applies and defines terms.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, 50.20.010.

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 legislation is effective June 12, 2008. There was insufficient time between passage and effective date to complete the rule-making process. The rule is necessary to clarify eligibility for unemployment benefits of individuals who quit work to enter apprenticeship training.

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

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

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

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

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

Date Adopted: June 10, 2008.

Karen T. Lee
Commissioner

NEW SECTION

WAC 192-150-160 Entering approved apprenticeship training—RCW 50.20.050 (2)(b)(xi). (1) **Effective date.** RCW 50.20.050 (2)(b)(xi) and this section apply to job separations that occur on or after June 12, 2008.

(2) **Application.** This section applies only if you quit work to enter into related/supplemental (classroom) instruction that is part of an apprenticeship program. If you quit work to begin employment for an employer who is a party to an apprenticeship agreement, the department will review the separation under RCW 50.20.050 (2)(b)(i) and WAC 192-150-050 to determine if you left work to accept a bona fide job offer.

(3) **Definitions.** For purposes of this chapter:

(a) "To enter" means to begin participation in the apprenticeship program.

(i) The term "to enter" includes:

(A) Apprentices who accept temporary work with an employer who is not a party to the apprenticeship agreement and quit work to re-enter training.

(B) Apprentices who quit work for a participating employer to enter a different apprenticeship program.

(ii) The term "to enter" does not include:

(A) Claimants applying for an apprenticeship program who at the time of quitting work are not enrolled in apprenticeship or pre-apprenticeship training. Their eligibility for benefits will be reviewed under RCW 50.20.050(2).

(B) Current apprentices who temporarily stop work for a participating employer to attend related/supplemental instruction that is a required component of their apprenticeship agreement. Claimants in this situation are considered to be on temporary layoff from work. Their eligibility for commissioner approved training will be reviewed under WAC 192-200-020(3).

(b) "Active participation" means attending classes or engaging in other activities that are part of the related/supplemental instruction.

(c) The terms "apprentice," "apprenticeship agreement," "apprenticeship program," "approved," and "related/supplemental instruction" have the meanings described in WAC 296-05-003.

(4) **Establishing good cause.** If you quit work to enter an apprenticeship program, you will have good cause within the meaning of RCW 50.20.050 (2)(b)(xi) if you satisfactorily demonstrate that:

(a) You are entering an apprenticeship program approved by the Washington state apprenticeship training council;

(b) Prior to leaving work, you had a confirmed start date for related/supplemental instruction; and

(c) You continued in your employment for as long as was reasonably consistent with whatever arrangements were necessary to begin the related/supplemental instruction. In any event, you will not be eligible for benefits until the week prior to the week the related/supplemental instruction begins.

WSR 08-13-039

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 08-131—Filed June 11, 2008, 3:21 p.m., effective June 11, 2008, 3:21 p.m.]

Effective Date of Rule: Immediately.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900E; 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: Implementing selective gear rules for this section of the Hoh was for the purpose of facilitating the release of wild chinook and steelhead, and was not intended to preclude fishing from motorized boats. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Date Adopted: June 11, 2008.

Loreva M. Preuss
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-61900Y Exceptions to statewide rules—2008 North of Falcon. Notwithstanding the provisions of WAC 232-28-619, effective immediately until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

(1) Baker River (Skagit Co.): Mouth to Highway 20 Bridge: Salmon: Open June 14 through July 31, except closed 12:01 a.m. June 30 through 2:00 p.m. July 2, and 12:01 a.m. July 9 through 2:00 p.m. July 11. Non-buoyant lure restriction and night closure in effect. Daily limit 2 sockeye salmon.

From Highway 20 Bridge upstream 250' to boundary markers: Gamefish: Closed. Salmon: Open June 14 through July 31. Non-buoyant lure restriction and night closure in effect. Daily limit 2 sockeye salmon.

(2) Cascade River (Skagit Co.): From the mouth to the Rockport-Cascade Road Bridge: Salmon: Open through July 15. Non-buoyant lure restriction and night closure in effect. Daily limit 4 salmon, no more than 2 adults. Release all salmon except hatchery Chinook.

(3) Columbia River, From Priest Rapids Dam to Chief Joseph Dam, including up to base of Washburn Pond outlet structure: Salmon: From Priest Rapids Dam to Wells Dam: Open July 1 until further notice. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho and sockeye. From Wells Dam to Chief Joseph Dam: Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho and sockeye. July 1 through July 15: open only from Highway 173 Bridge at Brewster to Highway 17 Bridge at Bridgeport. July 16 until further notice: open only from Wells Dam to Highway 17 Bridge at Bridgeport.

(4) Hoh River (Jefferson Co.), Outside of Olympic National Park: Open until further notice. Selective gear rules, except fishing allowed from floating devices equipped with an internal combustion engine July 1 through August 31 from lower Olympic National Park boundary upstream to Oxbow campground boat launch. Selective gear rules July 1 until further notice from Oxbow campground boat launch to Willoughby Creek, June 1 until further notice from Willoughby Creek to Morgan's Crossing Boat Launch, and June 1 until further notice from Morgan's Crossing Boat Launch to the mouth of South Fork. Trout: Minimum length 14 inches. Salmon: From Olympic National Park boundary upstream to Willoughby Creek: Open until further notice. Open Wednesday through Sunday only of each week, daily limit 6 fish of which only 1 may be an adult, release wild Chinook.

(5) Naselle River (Pacific/Wahkiakum counties), From Highway 101 Bridge to Highway 4 Bridge: Salmon: Open August 1 until further notice. Daily limit 6 fish of which no more than 3 may be adult salmon and of these 3 adult fish no more than 2 may be adult Chinook. Release wild coho.

(6) Nemah River, Middle Fork and South Fork (Pacific Co.): Salmon: Open August 1 until further notice on Middle Nemah from mouth to DNR Bridge and South Nemah from mouth to confluence with Middle Nemah. Middle and South Nemah: Daily limit 6 fish of which no more

than 2 may be adult salmon and of the two adult fish no more than one may be a wild adult coho.

(7) Nooksack River (Whatcom Co.), from mouth to forks, Middle Fork to Dam and North Fork to Maple Creek: Nonbuoyant lure restriction and night closure in effect until further notice.

(8) Nooksack River, South Fork (Skagit/Whatcom counties): From mouth to Skookum Creek: Night closure in effect until further notice.

(9) Puyallup River (Pierce Co.): From mouth to the Electron power plant outlet: Salmon: Open August 16 until further notice from mouth to Carbon River. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult Chinook.

(10) Skagit River (Skagit/Whatcom counties):

(a) From the Dalles Bridge at Concrete to the Highway 530 Bridge at Rockport: Salmon open June 14 through July 31, except closed 12:01 a.m. June 30 until 2:00 p.m. July 2, and 12:01 a.m. July 9 until 2:00 p.m. July 11, and closed from 200 feet above the mouth of the Baker River to the Highway 530 Bridge at Rockport. Daily limit two sockeye salmon. Release all salmon except sockeye salmon.

(b) From the Highway 530 Bridge at Rockport to the Cascade River - Salmon open June 1 through July 15. Non-buoyant lure restriction and night closure in effect. Daily limit four salmon, no more than 2 adults. Release all salmon except hatchery Chinook.

(11) Willapa River (Pacific Co.): Salmon: Open August 1 until further notice from mouth to Highway 6 Bridge approximately 2 miles below mouth of Trap Creek. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than one may be a wild adult coho and not more than two may be adult Chinook.

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 232-28-61900E Exceptions to statewide rules—2008 North of Falcon. (08-91)

WSR 08-13-040**EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 08-139—Filed June 11, 2008, 3:44 p.m., effective June 13, 2008, 12:01 a.m.]

Effective Date of Rule: June 13, 2008, 12:01 a.m.

Purpose: Amend personal use fishing rules.

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

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: This emergency regulation is necessary to assure a safe and successful youth fishing event. The fish will be planted one day prior to the event to acclimate them before the event. The closure will ensure that fish are available for the youth event. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Date Adopted: June 11, 2008.

Loreva M. Preuss
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-61900G Exceptions to statewide rules—Bear Creek (Guler County Park, Klickitat Co.)
Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. June 13, 2008, through 4:00 p.m. June 14, 2008, it is unlawful to fish in those waters of Bear Creek, inside Guler County Park, in the netted area and 200 feet either side of the netted area, except open to participants in the Youth Fishing Event from 9:00 a.m. to 12:00 p.m. June 14, 2008.

REPEALER

The following section of the Washington Administrative Code is repealed effective 4:00 p.m. June 14, 2008:

WAC 232-28-61900G Exceptions to statewide rules—Bear Creek (Guler County Park, Klickitat Co.)

**WSR 08-13-041
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 08-138—Filed June 11, 2008, 4:37 p.m., effective June 11, 2008, 4:37 p.m.]

Effective Date of Rule: Immediately.

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 232-28-61900F; and amending WAC 232-28-619.

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: 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.

Sets the summer chinook season until permanent rules become effective. There is insufficient time to promulgate permanent regulations.

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: June 11, 2008.

Loreva M. Preuss
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-61900F Exceptions to statewide rules—Columbia River. Notwithstanding the provisions of WAC 232-28-619, effective June 21 through June 28, 2008, Chinook retention is allowed from a line projected from Rocky Point on the Washington bank, through Red Buoy 44, to the navigation light at Tongue Point on the Oregon bank (Rocky Point/Tongue Point line), upstream to Bonneville Dam (except for those waters closed under permanent regulations).

REPEALER

The following section of the Washington Administrative Code is repealed effective August 1, 2008:

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

WSR 08-13-058
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 08-141—Filed June 13, 2008, 9:00 a.m., effective June 24, 2008, 7:00 p.m.]

Effective Date of Rule: June 24, 2008, 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 220-33-01000J; 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 two fishing periods for summer chinook commercial season. Commercial fisheries were allocated 1,688 summer chinook based on the preseason forecast of 52,000 fish, the *US v Oregon* 2008-2017 management agreement, the upper Columbia management agreement, negotiations with the Colville Tribe, and WDFW commission guidance. Harvestable upper Columbia summer chinook and sturgeon are available. Season is consistent with the 2008-2017 management agreement, the 2007-2009 sturgeon fishery management plan, and the upper Columbia management plan. Regulation is consistent with compact action of December 13, 2007, and June 12, 2008. 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 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: June 13, 2008.

Loreva M. Preuss
for Jeff Koenings
Director

NEW SECTION

WAC 220-33-01000J Columbia River season below Bonneville. Notwithstanding the provisions of WAC 220-33-010 and WAC 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 (SMCRA) 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections:

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

SEASON: 7:00 p.m. Tuesday June 24 to 5:00 a.m. Wednesday June 25, 2008;

7:00 p.m. Tuesday July 1 to 5:00 a.m. Wednesday July 2, 2008

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

Multiple Net Rule: It is permissible to have onboard a commercial vessel more than one net, provided the nets are of mesh size legal 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. Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a 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.

ALLOWABLE SALE: Chinook, coho, shad, and white sturgeon. All steelhead, sockeye and green sturgeon must be released immediately. A maximum of five white sturgeon

may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. The sturgeon possession/sales limit applies only to mainstem fisheries. (Sturgeon retention in Select Area fisheries is prohibited).

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

OTHER: 24-hour quick reporting required for Washington wholesale dealers, WAC 220-69-240.

REPEALER

The following section of the Washington Administrative Code is repealed, effective 5:01 a.m. July 2, 2008:

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

WSR 08-13-059
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 08-142—Filed June 13, 2008, 9:04 a.m., effective June 16, 2008, 6:00 a.m.]

Effective Date of Rule: June 16, 2008, 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 220-32-05100U; and amending WAC 220-32-051.

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: Sets initial treaty fisheries for 2008 summer season. An estimated 11,250 chinook are available for treaty harvest based on the preseason forecast of 52,000 upper Columbia summer chinook. Allows the sale of fish caught in platform and hook and line fishery in Zone 6 (SMCRA 1F, 1G, 1H). Also allows the sale of fish caught in Yakama Nation tributary fisheries to be sold only when those tributaries are open under Yakama Nation rules and a com-

mercial season (gillnet or platform gear) in the mainstem is open concurrently.

New regulations for 2008 include fisheries that are described in the memo of agreement (MOA) between Washington state and Yakama Nation. Yakama Nation tribal members will be allowed to fish for subsistence purposes within a specific area of the Washington shoreline below Bonneville Dam when open for enrolled Yakama Nation members under lawfully enacted Yakama Nation tribal subsistence fisheries. Sales will be allowed when the open fishery is concurrent with either commercial gillnet openings or platform gear in Zone 6 (SMCRA 1F, 1G, 1H). Sales of fish caught in this fishery are consistent with mainstem Zone 6 (SMCRA 1F, 1G, 1H) allowable sales, with the exception of sturgeon (which may not be sold or kept for subsistence purposes).

Harvestable numbers of salmon and steelhead are available under the ESA guideline. The fishery catches are expected to remain within the allocation and guidelines of the 2008-2017 management agreement. Rule is consistent with action of the Columbia River compact on June 12, 2008. Conforms state rules with tribal rules. 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. Some salmon and steelhead stocks in the Columbia River are listed as threatened or endangered under the federal Endangered Species Act.

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. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, Amended 0, Repealed 1; Federal Rules or Standards: New 1, Amended 0, Repealed 1; 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: June 13, 2008.

Loreva M. Preuss
for Jeff Koenings
Director

NEW SECTION

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

1. Open Periods: 6:00 a.m. June 23 until 6:00 p.m. June 25, 2008.

a) Open Areas: Zone 6 (SMCRA 1F, 1G, 1H).

b) Gear: Gillnets; 7-inch minimum mesh size restriction.

2. Open Periods: 6:00 a.m. June 16, 2008, until further notice.

a) Open Areas: Zone 6 (SMCRA 1F, 1G, 1H).

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

3. Open Periods: 6:00 a.m. June 16, 2008 until further notice, and only during those days and hours when those tributaries are open under lawfully enacted Yakama Nation tribal subsistence fishery regulations for enrolled Yakama Nation members and are concurrent with either commercial gillnet openings or platform gear in Zone 6 (SMCRA 1F, 1G, 1H).

a) Open Areas: Wind, White Salmon, and Klickitat rivers.

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

4. Allowable sale includes: For Items 1-3 stated above - Chinook, coho, steelhead, walleye, shad, and carp. Sockeye may be retained but not sold. Sturgeon between 42 inches and 60 inches in length may be retained in the Bonneville Pool (SMCRA 1F) for subsistence purposes only. Sturgeon between 4 feet and 5 feet in length may be retained in The Dalles and John Day pools (SMCRA 1G, 1H) for subsistence purposes only.

5. Open Periods: 6:00 a.m. June 16, 2008 until further notice, and only under lawfully enacted Yakama Nation tribal subsistence fisheries regulations and under the conditions in the Memo of Agreement (MOA) titled "2007 Memorandum of Agreement Between the Yakama Nation and Washington Department of Fish and Wildlife Regarding Tribal Fishing Below Bonneville Dam. Is open for enrolled Yakama Nation members under lawfully enacted Yakama Nation tribal subsistence fisheries and is concurrent with either commercial

gillnet openings or platform gear fisheries in Zone 6 (SMCRA 1F, 1G, 1H).

a) **Open Areas:** (SMCRA) 1E On the Washington shoreline from 600 feet below the fish ladder at the Bonneville Dam North shore powerhouse, downstream to Beacon Rock (bank fishing only).

b) **Gear:** hoop nets, dip bag nets, and rod and reel with hook-and-line, consistent with Yakama Nation regulations.

6. Allowable sale for subsistence fishery below Bonneville Dam includes: For item #5 stated above - Chinook, coho, steelhead, walleye, shad, and carp. Sockeye may be retained but not sold. Sturgeon may not be sold. Sturgeon retention is prohibited for subsistence purposes.

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

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

9. Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

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

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

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

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

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

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

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

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

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

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

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

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

Reviser's note: The 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.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 a.m. June 16, 2008:

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

WSR 08-13-060

EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 08-140—Filed June 13, 2008, 9:12 a.m., effective June 17, 2008, 11:59 p.m.]

Effective Date of Rule: June 17, 2008, 11:59 p.m.

Purpose: Amending fishing rules.

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

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: The south coast (Westport) recreational halibut fishery is projected to have taken the Pacific halibut quota set aside for the primary season. This rule conforms to federal action taken by the Pacific Fisheries

Management Council. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Date Adopted: June 13, 2008.

Loreva M. Preuss
for Jeff Koenings
Director

NEW SECTION

WAC 220-56-25500H 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 2—Closed - except waters from 47°25.00'N. latitude (Queets River) south to 46°58.00'N latitude and east of 124°30.00'W longitude, open until further notice, 12:01 a.m. through 11:59 p.m., Fridays and Saturdays.

(b) Catch Record Card Areas 3 and 4 - Open only 12:01 a.m. through 11:59 p.m. June 19, 2008, shoreward of a line approximating 30 fathoms from the Bonilla-Tatoosh line, south to the Queets River as described by the following coordinates:

48°24.79'N.lat.;124°44.07'W.long.;

48°24.80'N.lat.;124°44.74'W.long.;

48°23.94'N.lat.;124°44.70'W.long.;

48°23.51'N.lat.;124°45.01'W.long.;

48°22.59'N.lat.;124°44.97'W.long.;

48°21.75'N.lat.;124°45.26'W.long.;

48°21.23'N.lat.;124°47.78'W.long.;

48°20.32'N.lat.;124°49.53'W.long.;

48°16.72'N.lat.;124°51.58'W.long.;

48°10.00'N.lat.;124°52.58'W.long.;

48°05.63'N.lat.;124°52.91'W.long.;

47°56.25'N.lat.;124°52.57'W.long.;

47°40.28'N.lat.;124°40.07'W.long.;

47°31.70'N.lat.;124°37.03'W.long.;

Area 4 east of the Bonilla-Tatoosh line is open at all depths during the open dates.

(c) Catch Record Card Areas 3 and 4 - Open only 12:01 a.m. through 11:59 p.m. June 21, 2008.

(d) Catch Record Card Area 5 - Open through July 21, 2008, 12:01 a.m. through 11:59 p.m., Thursdays through Mondays only.

(e) 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 effective 11:59 p.m. June 17, 2008:

WAC 220-56-25500G Halibut—Seasons—Daily and possession limits. (08-135)

WSR 08-13-071

EMERGENCY RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed June 16, 2008, 9:40 a.m., effective June 17, 2008]

Effective Date of Rule: June 17, 2008.

Purpose: The division of developmental disabilities is proposing this emergency rule to amend WAC 388-828-5080 to be consistent with the DDD assessment application.

Citation of Existing Rules Affected by this Order: Amending WAC 388-828-5080.

Statutory Authority for Adoption: RCW 71A.12.30 [71A.12.030].

Other Authority: Title 71A RCW.

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

Reasons for this Finding: This emergency rule amends WAC 388-828-5080 to accurately reflect the protective supervision age-based score adjustment made by the DDD assessment application when determining the protective supervision support level. The DDD assessment application is correctly calculating the protective supervision support level. Without this rule, clients may incorrectly be found eligible or ineligible for services or benefits.

This emergency rule replaces the previous emergency rule filed on February 19, 2008, as WSR 08-05-121.

This rule was permanently adopted in the CR-103 filing May 30, 2008, as WSR 08-12-031 and will be effective July 1, 2008.

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

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

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

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

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

Date Adopted: June 10, 2008.

Stephanie E. Schiller
Rules Coordinator

AMENDATORY SECTION (Amending WSR 07-10-029, filed 4/23/07, effective 6/1/07)

WAC 388-828-5080 How does DDD determine your adjusted protective supervision acuity score? DDD determines your adjusted protective supervision acuity score by applying the following age-based score adjustments to your level of monitoring score for question number one in WAC 388-828-5060:

If you are:	Then your age-based score adjustment is:
18 years or older	Score is equal to your level of monitoring score
16-17 years of age	Subtract ((+) <u>2</u>) from your level of monitoring score
12-15 years of age	Subtract ((2) <u>3</u>) from your level of monitoring score
8-11 years of age	Subtract ((3) <u>4</u>) from your level of monitoring score
5-7 years of age	Subtract ((4) <u>5</u>) from your level of monitoring score
0-4 years of age	Subtract ((5) <u>6</u>) from your level of monitoring score
If your adjusted level of monitoring score is a negative number, your adjusted protective supervision acuity score is zero.	

Example: If you are fifteen years old and "close proximity, (e.g., 1-2 hours, structured)" is identified as your level of monitoring score, your adjusted protective supervision acuity score is: Your close proximity score of four minus age-based score adjustment of ((two) three). For age twelve through fifteen, this equals an adjusted protective supervision score of ((two) one).