

**WSR 11-10-066**  
**EXPEDITED RULES**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed May 2, 2011, 2:11 p.m.]

Title of Rule and Other Identifying Information: Technical edits to WAC 181-86-140 and 181-86-150, repealing WAC 181-86-155. The legislature removed the requirement for the professional educator standards board to conduct an appeal procedure. These rules describe that procedure and are no longer valid.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO David Brenna, Professional Educator Standards Board, 600 Washington Street South, Room 400, Olympia, WA 98504, AND RECEIVED BY July 5, 2011.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Technical corrections based on statute changes to appeal process.

Reasons Supporting Proposal: Compliance with statute.

Statutory Authority for Adoption: RCW 28A.410.210.

Statute Being Implemented: RCW 28A.410.090.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Professional educator standards board, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Brenna, 600 Washington Street South, Olympia, WA 98504, (360) 725-6238.

May 2, 2011

David Brenna

Legislative and

Policy Coordinator

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

**WAC 181-86-140 Appeal—General.** Any person who applies directly to the superintendent of public instruction for a certificate, particular endorsement, certificate renewal, or certificate reinstatement whose application is denied or any person who is notified that his or her certificate is suspended or revoked or that a reprimand order has been issued shall be advised that he or she is entitled to appeal that decision to the superintendent of public instruction if he or she follows the procedures established in this chapter: Provided, That the appeal procedure may not be used to seek reinstatement of a certificate if that certificate has been revoked in the preceding twelve months by the superintendent of public instruction.

The appeal procedure to the superintendent of public instruction consists of two levels, one informal and one formal. The use of the informal level is a condition precedent to use of the formal level. In addition, ~~((the provisions of WAC 181-86-155 provide an additional appeal to the professional educator standards board and))~~ RCW 34.05.570 provides for judicial review of such decisions.

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

**WAC 181-86-150 Appeal procedure—Formal SPI review process.** Formal appeals to the superintendent of public instruction shall be provided as follows:

(1) Any person who has filed an appeal in accordance with WAC 181-86-140 and desires to have the decision of the review officer formally reviewed by the superintendent of public instruction may do so. To instigate review under this section, a person must file a written notice with the superintendent of public instruction within thirty calendar days following the date of receipt of the review officer's written decision.

(2) For purposes of hearing an appeal under this section, the superintendent of public instruction shall conduct a formal administrative hearing in conformance with the Administrative Procedure Act, chapter 34.05 RCW. The superintendent of public instruction, in carrying out this duty, may contract with the office of administrative hearings pursuant to RCW ~~((28A.03.500))~~ 28A.300.120 to hear a particular appeal. Decisions in cases formally appealed pursuant to this section may be made by the administrative law judge selected by the chief administrative law judge if the superintendent of public instruction delegates this authority pursuant to RCW ~~((28A.03.500))~~ 28A.300.120.

(3) The decision of the superintendent of public instruction or the administrative law judge, whichever is applicable, shall be sent by certified mail to the appellant's last known address and if the decision is to reprimand, suspend, or revoke, the appellant shall be notified that such order takes effect upon signing of the final order ~~((and that no stay of reprimand, suspension, or revocation shall exist until the appellant files an appeal in a timely manner pursuant to WAC 181-86-155))~~.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 181-86-155

Appeal procedure to PESB.

**WSR 11-10-067**  
**EXPEDITED RULES**  
**EVERETT COMMUNITY COLLEGE**

[Filed May 2, 2011, 2:40 p.m.]

Title of Rule and Other Identifying Information: Address changes/building name changes found in WAC 132E-133-020.

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jennifer Howard, Vice-President, Administrative Services, Everett Community College, 2000 Tower Street, Everett, WA 98201, AND RECEIVED BY July 5, 2011.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amend WAC to reflect changes in fitness center location and to update the name of off-campus site, Applied Technology Training Center (ATTC) to Corporate & Continuing Education Center (CCEC).

Reasons Supporting Proposal: Fitness center is no longer on Rockefeller Avenue; CCEC is the official name for the former ATTC by board action.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: Chapter 28B.50 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Everett Community College, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jennifer Howard, EVCC 2000 Tower, Everett, WA 98201, (425) 388-9232.

April 26, 2011

Jennifer L. Howard

Vice-President

Administrative Services

AMENDATORY SECTION (Amending WSR 01-02-043, filed 12/28/00, effective 1/28/01)

**WAC 132E-133-020 Organization—Operation—Information.** (1) Organization. Everett Community College is established in Title 28B RCW as a public institution of higher education. The institution is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation. The administrative office is located at the following address:

President's Office  
Everett Community College  
2000 Tower Street  
Everett, WA 98201-1352

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the following addresses:

Everett Community College  
Aviation Maintenance Technician School  
9711 - 31st Place W.  
Building C-80  
Paine Field  
Everett, WA 98204

Everett Community College  
~~((Applied Technology Training Center))~~  
Corporate & Continuing Education Center  
2333 Seaway Blvd.  
Everett, WA 98204

Everett Community College  
School of Cosmetology  
9315 G State Avenue  
Marysville, WA 98270

Everett Community College  
Early Learning Center  
820 Waverly Avenue  
Everett, WA 98201

Everett Community College  
Student Fitness ((and Sports)) Center  
~~((1220 Rockefeller Avenue))~~  
2206 Tower Street  
Everett, WA 98201

(3) Information. Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address:

Everett Community College  
2000 Tower Street  
Everett, WA 98201-1352

**WSR 11-10-075**  
**WITHDRAWAL OF**  
**EXPEDITED RULE MAKING**  
**DEPARTMENT OF REVENUE**

(By the Code Reviser's Office)

[Filed May 3, 2011, 11:16 a.m.]

WAC 458-20-228, proposed by the department of revenue in WSR 10-21-045 appearing in issue 10-21 of the State Register, which was distributed on November 3, 2010, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
Washington State Register

**WSR 11-10-076**  
**WITHDRAWAL OF**  
**EXPEDITED RULE MAKING**  
**DEPARTMENT OF REVENUE**  
 (By the Code Reviser's Office)  
 [Filed May 3, 2011, 11:17 a.m.]

WAC 458-12-010, proposed by the department of revenue in WSR 10-21-048 appearing in issue 10-21 of the State Register, which was distributed on November 3, 2010, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
 Washington State Register

**WSR 11-10-091**  
**EXPEDITED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed May 4, 2011, 11:54 a.m.]

Title of Rule and Other Identifying Information: WAC 220-16-490 Bonilla-Tatoosh line.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Lori Preuss, Rules Coordinator, Washington Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, AND RECEIVED BY July 4, 2011.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to modify the description of the Bonilla-Tatoosh line so that it is consistent with the description in federal rules. The description of the Bonilla-Tatoosh line is listed in Code of Federal Regulations (C.F.R.) Title 50, Part 660.

Reasons Supporting Proposal: The description of the Bonilla-Tatoosh line is essential to differentiating between adjacent management areas located on the northwest coast of Washington at Cape Flattery. The current rule does not include latitude and longitude coordinates for each reference point and is not consistent with the description in federal regulation. The changes simplify the description of the line and will make it easier for recreational fishers and enforcement to identify where the line is drawn.

Statutory Authority for Adoption: RCW 77.04.020, 77.12.045, and 77.12.047.

Statute Being Implemented: RCW 77.04.020, 77.12.-045, and 77.12.047.

Rule is necessary because of federal law, C.F.R. Title 50, Part 330.

Name of Proponent: Washington department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting: Heather Reed, 48 Devonshire Road, Montesano, WA, (360) 249-4628; Implementation: Michele Culver, 48 Devonshire Road, Montesano, WA, (360) 249-4628; and Enforcement: Chief Bruce Bjork, 1111 Washington Street S.E., Olympia, WA, (360) 902-2929.

May 4, 2011  
 Lori Preuss  
 Rules Coordinator

AMENDATORY SECTION (Amending Order 98-120, filed 7/7/98, effective 8/7/98)

**WAC 220-16-490 Bonilla-Tatoosh Line.** The "Bonilla-Tatoosh Line" is defined as a line projected from the most westerly point on Cape Flattery (48°22.863' N. lat., 124°43.907' W. long.) to the lighthouse on Tatoosh Island, WA (48°23.493' N. lat., 124°44.207' W. long.) then to the ~~((buoy adjacent to Duntz Rock, then to))~~ light on Bonilla Point on Vancouver Island, British Columbia (48°35.73' N. lat., 124°43.00' W. long.).

**WSR 11-10-092**  
**EXPEDITED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed May 4, 2011, 11:55 a.m.]

Title of Rule and Other Identifying Information: WAC 220-56-250 Lingcod—Areas and seasons.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Lori Preuss, Rules Coordinator, Washington Department of Fish and Wildlife (WDFW), 600 Capitol Way North, Olympia, WA 98501-1091, AND RECEIVED BY July 4, 2011.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to modify the description of the lingcod season in Marine Catch Areas 1-3 so that it is consistent with the description in federal rules. The proposed change would align the state regulation with the federal regulation by describing the lingcod season as being open from the Saturday closest to March 15, rather than the Saturday closest to March 16, through the Saturday closest to October 15. The

description of the lingcod season is listed in the Code of Federal Regulations (C.F.R.) Title 50, Part 660.

Reasons Supporting Proposal: Lingcod seasons were developed during Pacific Fishery Management Council (PFMC) meetings and public process. Input from Washington recreational fishermen was gathered during the PFMC public process and during public meetings sponsored by WDFW.

Statutory Authority for Adoption: RCW 77.04.020, 77.12.045, and 77.12.047.

Statute Being Implemented: RCW 77.04.020, 77.12.-045, and 77.12.047.

Rule is necessary because of federal law, C.F.R. Title 50, Part 330.

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting: Heather Reed, 48 Devonshire Road, Montesano, WA, (360) 249-4628; Implementation: Michele Culver, 48 Devonshire Road, Montesano, WA, (360) 249-4628; and Enforcement: Chief Bruce Bjork, 1111 Washington Street S.E., Olympia, WA, (360) 902-2929.

May 4, 2011

Lori Preuss  
Rules Coordinator

**AMENDATORY SECTION** (Amending Order 09-107, filed 6/22/09, effective 7/23/09)

**WAC 220-56-250 Lingcod—Areas and seasons.** It is unlawful to take, fish for, or possess lingcod for personal use except during the following seasons and areas:

(1) Coastal area:

(a) Catch Record Card Areas 1 through 3: The Saturday closest to March ((46)) 15, through the Saturday closest to October 15;

(b) Catch Record Card Area 4 west of the Bonilla-Tatoosh line: April 16 through October 15, or the Saturday closest to October 15 if that Saturday comes before October 15, whichever is earlier; and

(c) Catch Record Card Area 4 east of the Bonilla-Tatoosh line: April 16 through October 15.

(2) Catch Record Card Areas 5 through 13: May 1 through June 15 by angling, and May 21 through June 15 by spear fishing.

**WSR 11-10-093**  
**EXPEDITED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed May 4, 2011, 11:55 a.m.]

Title of Rule and Other Identifying Information: WAC 220-56-235 Possession limits—Bottomfish.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD

PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Lori Preuss, Rules Coordinator, Washington Department of Fish and Wildlife (WDFW), 600 Capitol Way North, Olympia, WA 98501-1091, AND RECEIVED BY July 4, 2011.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to align state regulations with federal regulations. The changes would reduce the state's recreational bottomfish aggregate daily limit from 15 to 12 and implement a sublimit of 2 cabezon per day in Marine Catch Areas 1-3 and 4, west of the Bonilla-Tatoosh line. The federal aggregate bottomfish daily limit and cabezon sublimit is listed in the Code of Federal Regulations (C.F.R.) Title 50, Part 300.

Reasons Supporting Proposal: This proposal will protect bottomfish resources in Washington's coastal waters and was discussed during public meetings of the Pacific Fisheries Management Council (PFMC) and during WDFW sponsored meetings. The changes were approved by PFMC as part of its biennial groundfish management cycle.

Statutory Authority for Adoption: RCW 77.04.020, 77.12.045, and 77.12.047.

Statute Being Implemented: RCW 77.04.020, 77.12.-045, and 77.12.047.

Rule is necessary because of federal law, C.F.R. Title 50, Part 330.

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting: Heather Reed, 48 Devonshire Road, Montesano, WA, (360) 249-4628; Implementation: Michele Culver, 48 Devonshire Road, Montesano, WA, (360) 249-4628; and Enforcement: Chief Bruce Bjork, 1111 Washington Street S.E., Olympia, WA, (360) 902-2929.

May 4, 2011

Lori Preuss  
Rules Coordinator

**AMENDATORY SECTION** (Amending Order 11-30, filed 3/23/11, effective 4/23/11)

**WAC 220-56-235 Possession limits—Bottomfish.** It is unlawful for any person to take in any day more than the following quantities of bottomfish for personal use. The possession limit at any time shall not exceed the equivalent of two daily limits in fresh, frozen or processed form. Unless otherwise provided bottomfish fishing is open the entire year.

(1) Coastal (Catch Record Card Areas 1 through 4) - ((45)) 12 fish in the aggregate, except east of the Bonilla-Tatoosh line - 10 fish in the aggregate, of all species and species groups of bottomfish, which may include no more than:

(a) Lingcod - 2 fish:

(i) Minimum length 22 inches in Catch Record Card Areas 1 through 3.

(ii) Minimum length 24 inches in Catch Record Card Area 4.

(b) Rockfish - 10 fish. Release all canary and yelloweye rockfish. In Marine Area 4 east of the Bonilla Tatoosh Line: 6 fish. Only black or blue rockfish may be retained.

(c) ~~((Surfperch (excluding shiner perch) - 15 fish.~~

~~((d))~~ Wolfeel - 0 fish from Catch Record Card Area 4.

~~((e))~~ (d) Cabezon - 2 fish ~~((east of the Bonilla Tatoosh line))~~.

(2) Inner Puget Sound (Catch Record Card Areas 5 through 13):

(a) Catch Record Card Areas 5 and 6 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish in Marine Area 5 except	1 fish May 1 through September 30 only black or blue rockfish may be retained.
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in Marine Area 5 west of Slip Point	3 fish only black or blue rockfish may be retained.
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in Marine Area 6.	0 fish
Surfperch	10 fish
Pacific cod	2 fish
Pollock	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pacific hake	2 fish

(b) Catch Record Card Area 7 - 15 fish in the aggregate of all species of bottomfish, which may include no more than:

Rockfish	0 fish
Surfperch	10 fish
Pacific cod	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pollock	2 fish
Pacific hake	2 fish

(c) Catch Record Card Areas 8-1 through 11 and 13 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish	0 fish
Surfperch	10 fish
Pacific cod	0 fish
Pollock	0 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish

Pacific hake	0 fish
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(d) Catch Area 12: Closed.

(e) It is unlawful to possess lingcod taken by angling or by spear fishing less than 26 inches in length or greater than 36 inches in length.

(f) It is unlawful to retain cabezon taken from Catch Record Card Areas 5 through 11 and 13 from December 1 through April 30.

(g) It is unlawful to retain six-gill shark taken from Catch Record Card Areas 5 through 13.

(h) In Catch Record Area 5, the daily limit for rockfish is the first legal rockfish caught, except west of Slip Point the daily limit for rockfish is the first three legal rockfish caught. Only black or blue rockfish may be retained. After the daily limit of rockfish is caught, all subsequent rockfish must be released.

(i) In Catch Record Card Area 5, it is unlawful to take rockfish by spear fishing except when this area is open to spear fishing for lingcod.