

WSR 12-24-006
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 12-274—Filed November 26, 2012, 3:53 p.m., effective November 26, 2012, 3:53 p.m.]

Effective Date of Rule: Immediately.

Purpose: To amend landowner hunting permit rules described in WAC 232-28-296.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-29600A; and amending WAC 232-28-296.

Statutory Authority for Adoption: RCW 77.04.020, 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 hunting pamphlet and agency web site advertised two antlerless permits for the antlerless only hunt listed under the Blackrock Ranches special hunting permit section. Two permits were issued and hunters were notified. The correction is necessary to fulfill the department's commitment to working with landowners to mitigate property damage through public hunting opportunity. The hunt began August 1, 2012, and continues through March 31, 2013; immediate action is necessary to continue this opportunity through the remainder of the season.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: November 26, 2012.

Philip Anderson
 Director

NEW SECTION

WAC 232-28-29600B Landowner hunting permits. Notwithstanding the provisions of WAC 232-28-296, effective immediately until further notice:

Under the Blackrock Ranches Special Hunting Permits section, change the number of permits for the Antlerless Only hunt from one permit to two permits.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-35900A Landowner hunting permits.

Reviser's note: The section above appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 232-28-35900A is probably intended to be WAC 232-28-29600A.

WSR 12-24-007
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 12-275—Filed November 26, 2012, 3:54 p.m., effective November 26, 2012, 3:54 p.m.]

Effective Date of Rule: Immediately.

Purpose: To amend turkey hunting rules described in WAC 232-28-342.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-34200D; and amending WAC 232-28-342.

Statutory Authority for Adoption: RCW 77.04.020, 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: Game Management Unit (GMU) 145 was inadvertently omitted from the late fall turkey season adopted at the April 13-14, 2012, fish and wildlife commission meeting. All of the surrounding GMUs were included in the late fall turkey season; therefore, this omission would likely cause confusion among hunters. To avoid confusion, it is in the best interest of public service to include this GMU in the season. The small game regulations pamphlet currently lists GMU 145 as a valid hunt location for the late fall turkey season; immediate rule adoption is necessary to provide consistent season regulation information to the public.

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: November 26, 2012.

Philip Anderson
Director

NEW SECTION

WAC 232-28-34200E 2012-13, 2013-14, 2014-15
Small game and other wildlife seasons and regulations.
Notwithstanding the provisions of WAC 232-28-342, effective immediately until further notice:

Under the late fall general turkey season, from November 20 - December 15, 2012, add GMU 145 as a designated open area.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-34200D 2012-13, 2013-14, 2014-15
Small game and other wildlife seasons and regulations.

WSR 12-24-042
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 12-276—Filed November 29, 2012, 2:45 p.m., effective December 1, 2012]

Effective Date of Rule: One hour after official sunset December 1, 2012.

Purpose: Amend recreational fishing rules.

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

Statutory Authority for Adoption: RCW 77.15.045, 77.12.047 and 77.04.020.

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 allowable mortality of natural origin steelhead due to angling effects is approaching the maximum limits in the closed areas. The Endangered Species Act Section 10 permit sets the incidental take of listed species separately for each fishery to accommodate variation in the run strength and angling effort within the fisheries and year to year. The 2012-2013 steelhead run is less than recent years and has a relatively high proportion of natural origin steelhead. There is insufficient time to adopt 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: November 29, 2012.

Philip Anderson
Director

NEW SECTION

WAC 232-28-61900D Exceptions to statewide rules—Columbia, Entiat, Methow, Okanogan, Similkameen, and Wenatchee rivers. Notwithstanding the provisions of WAC 232-28-619, effective one hour after official sunset on December 1, 2012, in waters of the Columbia, Entiat, Methow, Okanogan, Similkameen, and Wenatchee Rivers it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

(1) Mandatory retention of adipose fin clipped steelhead, daily limit two (2) hatchery steelhead, 20 inch minimum size. Hatchery steelhead are identified by a missing adipose fin with a healed scar in its location.

(2) Adipose present steelhead must be released unharmed and cannot be removed from the water prior to release.

(3) Night closure and selective gear rules remain in effect, except bait allowed on mainstem Columbia River.

(a) A person may fish for steelhead in the Columbia River from Rock Island Dam to the boundary markers below Wells Dam and from the Highway 173 Bridge in Brewster to 400 feet below Chief Joseph Dam.

(b) A person may fish for steelhead in the Okanogan River from the mouth upstream to the Highway 97 Bridge in Oroville.

(c) A person may fish for steelhead in the Similkameen River from the mouth upstream to 400 feet below Enloe Dam.

(4) Effective one hour after official sunset on December 1, 2012, until further notice, it is unlawful to fish for whitefish in the following waters:

(a) Wenatchee River: From the mouth to the Hwy 2 Bridge at Leavenworth.

(b) Entiat River: Upstream from the Alternate Highway 97 Bridge, near the mouth of the Entiat River to Entiat Falls.

(c) Methow River: From Gold Creek to the confluence with the Chewuch River in Winthrop.

REPEALER

The following section of the Washington Administrative Code is repealed effective one hour after official sunset December 1, 2012:

WAC 232-28-61900S Exceptions to statewide rules—Columbia, Entiat, Icicle, Methow, Okanogan, Similkameen, and Wenatchee rivers. (12-236)

WSR 12-24-050
EMERGENCY RULES
DEPARTMENT OF HEALTH

[Filed November 30, 2012, 12:45 p.m., effective November 30, 2012, 12:45 p.m.]

Effective Date of Rule: Immediately.

Purpose: WAC 246-980-030, revising the deadline for nonexempt long-term care workers for submitting an application for a home care aide credential.

Citation of Existing Rules Affected by this Order: Amending WAC 246-980-030.

Statutory Authority for Adoption: Chapter 18.88B RCW.

Other Authority: Chapter 74.39A 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: Elderly and vulnerable adults would be at risk of losing access to personal care services if their home care aides are unable to submit a timely application for a department of health credential.

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: November 30, 2012.

Mary C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 10-15-103, filed 7/20/10, effective 1/1/11)

WAC 246-980-030 Can a nonexempt long-term care worker work before obtaining certification as a home care aide? (1) A nonexempt long-term care worker may provide care before receiving certification as a home care aide if all the following conditions are met:

(a) Before providing care, the long-term care worker must complete the training required by RCW 74.39A.073 (4)(a) and (b).

(b) The long-term care worker must submit an application for home care aide certification to the department within ~~((three))~~ fourteen days of hire. An application is considered to be submitted on the date it is post-marked or, for applications submitted in person or on-line, the date it is accepted by the department.

(2) The long-term care worker may not work for more than one hundred fifty calendar days from their date of hire without obtaining certification.

WSR 12-24-056
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 12-277—Filed November 30, 2012, 3:07 p.m., effective December 3, 2012]

Effective Date of Rule: December 3, 2012.

Purpose: Amend recreational 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 and 77.04.020.

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 Hoko Hatchery is well short of needs for broodstock. Closing the portion of the river outside the fish ladder will allow steelhead to aggregate outside the ladder and move up into the facility without disturbance from fishing activity. There is insufficient time to adopt 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: November 30, 2012.

Joe Stohr
for Philip Anderson
Director

NEW SECTION

WAC 232-28-61900G Exceptions to statewide rules—Hoko River. Notwithstanding the provisions of WAC 232-28-619, effective December 3 through December 31, 2012, it is unlawful to fish in waters of the Hoko River from the hatchery fish ladder downstream for 100 feet.

REPEALER

The following section of the Washington Administrative Code is repealed effective January 1, 2013:

WAC 232-28-61900G Exceptions to statewide rules—Hoko River.

WSR 12-24-057
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[12-278—Filed November 30, 2012, 3:22 p.m., effective December 10, 2012]

Effective Date of Rule: December 10, 2012.

Purpose: Amend recreational fishing rules.

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

Statutory Authority for Adoption: RCW 77.12.047 and 77.04.020.

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 Kendall Creek Hatchery and Whatcom Creek Hatchery programs in recent years have had difficulty securing sufficient eggs from returning hatchery winter steelhead to meet basin production goals. Closure of the fishery, similar to past years, is needed to collect sufficient fish to meet egg-take needs. There is insufficient time to adopt 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: November 30, 2012.

Joe Stohr
for Philip Anderson
Director

NEW SECTION

WAC 232-28-61900H Exceptions to statewide rules—Whatcom Creek. Notwithstanding the provisions of WAC 232-28-619, effective December 10, 2012, until further notice, it is unlawful to fish in waters of Whatcom Creek from the mouth to the Woburn Street Bridge.

WSR 12-24-064
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 12-279—Filed December 3, 2012, 3:35 p.m., effective December 3, 2012, 3:35 p.m.]

Effective Date of Rule: Immediately.

Purpose: To amend elk hunting rules described in WAC 232-28-360.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-36000C; and amending WAC 232-28-360.

Statutory Authority for Adoption: RCW 77.04.020 and 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: Due to limited access caused by fires across much of the state, once-in-a-lifetime permit hunts, and hunts designed for population management, were impacted by access restrictions. Therefore, we are extending the hunting opportunity for those hunters. These extensions provide a service to permit holders who would have otherwise lost the hunting opportunity provided by these permits. Immediate rule action is necessary to provide that opportunity.

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: December 3, 2012.

Philip Anderson
Director

NEW SECTION

WAC 232-28-3600D 2012 Elk special permits. Notwithstanding the provisions of WAC 232-28-360, effective immediately until further notice:

Under the Quality elk section, Wynoochee modern firearm (WF) hunt, the additional time period of Dec. 16-31, 2012 is added.

Under the Quality elk section, Satsop modern firearm (WF) hunt, the additional time period of Dec. 16-31, 2012 is added.

Under the Quality elk section, Toutle, muzzleloader (WM) hunt, the additional time period of Dec. 17-31, 2012 is added.

Under the Bulls elk section, Margaret, muzzleloader (WM) hunt, the additional time period of Dec. 17-31, 2012 is added.

Under the Bulls elk section, Skokomish muzzleloader (WM) hunt, the additional time period of Dec. 16-31, 2012 is added.

Under the Antlerless elk section, Winston, muzzleloader (WM) hunt, the additional time period of Dec. 17-31, 2012 is added.

Under the Antlerless elk section, Margaret, muzzleloader (WM) hunt, the additional time period of Dec. 17-31, 2012 is added.

Under the Antlerless elk section, Ryderwood, muzzleloader (WM) hunt, the additional time period of Dec. 17-31, 2012 is added.

Under the Antlerless elk section, Toutle, muzzleloader (WM) hunt, the additional time period of Dec. 17-31, 2012 is added.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-3600C 2012 Elk special permits.