

WSR 17-21-006
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 17-267—Filed October 5, 2017, 1:14 p.m., effective October 5, 2017, 1:14 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends commercial fishing rules to clarify salmon taken for personal use during a commercial fishery.

Citation of Rules Affected by this Order: Amending WAC 220-354-030.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, 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: This emergency rule is needed to clarify limits for personal use during a commercial salmon fishery. This rule will allow commercial fishermen to take home a daily limit of three salmon for personal use. The department of fish and wildlife has filed a preproposal to begin the permanent rule-making process. This rule is interim until permanent rules take effect.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: October 5, 2017.

Joe Stohr
for J. W. Unsworth
Director

NEW SECTION

WAC 220-354-03000B Sale and purchase of commercial caught salmon. Notwithstanding the provisions of WAC 220-354-030, effective immediately until further notice the following rules apply:

(1) It is unlawful for any person licensed to take salmon for commercial purposes as required under chapter 77.65 RCW to:

(a) Retain for personal use more than three salmon per landing and delivery, regardless of species, provided that:

(i) The commercial season is open for the species taken and;

(ii) The fish retained are lawful to possess when taken by the gear type for which the person is licensed to fish.

(iii) The daily limit and possession limit described in this subsection also apply to crew members of the licensed fishing vessel.

(b) Fail to report and document all salmon taken during a commercial fishery on state of Washington fish receiving tickets, including fish retained for personal use.

(c) Sell any salmon taken under such license to anyone other than a licensed wholesale fish dealer located within or outside the state of Washington: Except that a person who is licensed as a wholesale fish dealer under the provisions of RCW 77.65.280 may sell his catch to individuals or corporations other than licensed wholesale fish dealers.

(d) Sell, barter or attempt to sell or barter salmon eggs that have been removed from the body cavity of salmon unless all carcasses from which eggs have been removed are sold to the same buyer. This subsection does not apply to troll caught salmon or the eggs from such salmon.

(e) Discard salmon that may be lawfully retained except fishers may discard salmon that are unmarketable due to pinniped predation.

(2) It is unlawful for any person acting in the capacity as an original receiver to purchase or attempt to purchase salmon eggs without also purchasing all male and female salmon taken by the fisher, including the salmon carcasses from which the eggs were removed.

(3) Violation of subsection (1)(a) is punishable under RCW 77.15.550; Violation of commercial fishing area or time—Penalty.

(4) Violation of subsection (1)(b) is punishable under 77.15.280; Reporting of fish or wildlife harvest—Rules violation—Penalty.

(5) Violation of subsection (1)(c) is punishable under RCW 77.15.620; Engaging in fish dealing activity—Unlicensed—Penalty.

(6) Violation of subsection (1)(d) and (2) are punishable under RCW 77.15.260; Unlawful trafficking in fish, shellfish, or wildlife—Penalty.

(7) Violation of subsection (1)(e) is punishable under RCW 77.15.170; Waste of fish and wildlife—Penalty.

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

WSR 17-21-008
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 17-276—Filed October 5, 2017, 4:27 p.m., effective October 5, 2017, 4:27 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This emergency rule action is intended as a safety measure for hunters participating in any hunt that over-

laps a deer or elk modern firearm season by requiring them to wear high-visibility "hunter orange" clothing.

Citation of Rules Affected by this Order: Amending WAC 220-414-080.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, and 77.12.150.

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 action corrects a safety issue that stems from an oversight in the hunter orange rule. This rule currently excludes turkey hunters from the regulation of wearing hunter orange during a season that overlaps with a modern firearm season. The change would fix that exclusion.

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 the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0 [1], Amended 1 [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: October 5, 2017.

J. W. Unsworth
Director

NEW SECTION

WAC 220-414-08000A Hunting—Hunter orange clothing requirements Notwithstanding the provisions of WAC 220-414-080, effective immediately, until further notice, add turkey to subsection five to read:

(5) It is unlawful to hunt bear, cougar, bobcat, raccoon, fox, coyote, rabbit, forest grouse, turkey, or hare during those times and in those places open to the taking of deer or elk during a modern firearm season, unless the hunter is wearing fluorescent hunter orange clothing.

**WSR 17-21-020
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 17-277—Filed October 9, 2017, 1:52 p.m., effective October 10, 2017]

Effective Date of Rule: October 10, 2017.

Emergency

Purpose: Closes the lower Samish River to all fishing.

Citation of Rules Affected by this Order: Amending WAC 220-312-040.

Statutory Authority for Adoption: RCW 77.04.012, 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: The return of fall Chinook to the Samish Hatchery is projected to be below the number needed to meet egg take goals. This emergency rule is needed to close the fishing season in the lower Samish River which will increase the number of hatchery fish available for broodstock and ensure future hatchery returns. 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 the Request of a Non-governmental 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: October 9, 2017.

Joe Stohr
for J. W. Unsworth
Director

NEW SECTION

WAC 220-312-04000Y Freshwater exceptions to statewide rules—Puget Sound. Notwithstanding the provisions of WAC 220-312-040, effective October 10, 2017, until further notice, it is unlawful to fish in those waters of the Samish River from the mouth (Bayview-Edison Road) to I-5 Bridge.

**WSR 17-21-022
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 17-278—Filed October 9, 2017, 4:25 p.m., effective October 9, 2017, 4:25 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Repeals emergency rule which allowed commercial fishermen to retain a daily limit of three salmon for personal use taken during a commercial fishery.

Citation of Rules Affected by this Order: Repealing WAC 220-354-03000B.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, 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: This emergency rule is needed to repeal filing WSR 17-21-006 which allowed commercial fishermen to take home a daily limit of three salmon for personal use. The commercial fisheries that the emergency rule was intended to cover have closed and is no longer needed.

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 the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: October 9, 2017.

Joe Stohr
for J. W. Unsworth
Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-354-03000B Sale and purchase of commercial caught salmon. (17-267)

WSR 17-21-027
EMERGENCY RULES
COMMUNITY COLLEGES
OF SPOKANE

[Filed October 10, 2017, 10:45 a.m., effective October 10, 2017, 10:45 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: (1) To comply with EHB 1595 and RCW 42.56.120, it is necessary to update this code; (2) it is unduly burdensome for the Community Colleges of Spokane (CCS) to calculate actual costs for copying records to fulfill public

records requests; and (3) pursuant to RCW 42.56.120, these changes will allow CCS to be reimbursed the costs associated with fulfilling its duties under the Public Records Act.

Citation of Rules Affected by this Order: Amending WAC 132Q-276-010, 132Q-276-020, 132Q-276-030, 132Q-276-040, 132Q-276-050, 132Q-276-060, 132Q-276-080, 132Q-276-090, and 132Q-276-100.

Statutory Authority for Adoption: RCW 28B.50.140, 42.56.040, [42.56].120.

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

Reasons for this Finding: To comply with EHB 1595 and RCW 42.56.120.

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 9, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: September 12, 2017.

John O'Rourke
Grants and Contracts Manager

AMENDATORY SECTION (Amending WSR 83-10-004, filed 4/22/83)

WAC 132Q-276-010 Purpose. The purpose of this chapter shall be to insure compliance by Washington Community College District 17 with the provisions of chapter ((42.17)) 42.56 RCW, ((~~Disclosure Campaign finance Lobbying Records: And, in particular, with RCW 42.17.250 - 42.17.340 dealing with public records~~)) the Public Records Act.

AMENDATORY SECTION (Amending WSR 04-10-065, filed 4/30/04, effective 5/31/04)

WAC 132Q-276-020 Definitions. (1) "**Public record**" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(2) "**Writing**" means handwriting, typewriting, printing, photocopying, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof; and all papers, maps, magnetic or paper

tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings and other documents including existing data compilations from which information may be obtained or translated.

(3) "**Washington State Community College District 17**" is a state agency created and organized by statute pursuant to RCW 28B.50.040, and shall hereinafter be referred to as the "district." Where appropriate, the term "district" shall also refer to college personnel and board of trustees of the district.

(4) "**District facilities**" of Washington State Community College District 17 include any or all real property owned, operated or maintained by the board of trustees of Community Colleges of Spokane, and shall include all buildings and appurtenances affixed thereon or attached thereto.

AMENDATORY SECTION (Amending WSR 13-15-154, filed 7/23/13, effective 8/23/13)

WAC 132Q-276-030 Central and field organization.

Washington State Community College District 17 is a community college district organized under RCW 28B.50.040. The administrative office of the district and its staff is located at 501 North Riverpoint Boulevard, P.O. Box 6000, Spokane, Washington, 99217-6000. The district operates two colleges, Spokane Community College, located at ~~((2000))~~ 1810 North Greene Street, Spokane, Washington, ~~((99217-5499))~~ 99217-5399; and Spokane Falls Community College, located at 3410 West Fort George Wright Drive, Spokane, Washington, 99224-5288. The district also delivers instructional programming in the counties of Ferry, Lincoln (except Consolidated School District 105-157-166J and the Lincoln County portion of Common School District 167-202), Pend Oreille, Spokane, Stevens, and Whitman.

AMENDATORY SECTION (Amending WSR 04-10-065, filed 4/30/04, effective 5/31/04)

WAC 132Q-276-040 Operations and procedures.

Washington State Community College District 17 is established under RCW 28B.50.040 to implement the educational purposes established by RCW 28B.50.020. District 17 is operated under the supervision and control of a board of trustees appointed by the governor as provided in RCW 28B.50-100. The chief administrative officer of the district is the chancellor/chief executive officer, who also serves as secretary to the board of trustees. The day-to-day operation of the district, pursuant to policy established and approved by the board of trustees, is implemented through the office of the chancellor/chief executive officer or designee.

The board of trustees meets the third Tuesday of each month at 8:30 a.m. ~~((in the board room of the Spokane Community College administrative offices located at 2000 North Greene Street, Spokane, Washington, 99217-5499))~~ at the Lodge Building, 3305 West Fort George Wright Drive, Spokane, Washington, 99224, unless public notice is given of a special meeting. At such time, the trustees exercise the powers and duties granted to the board by RCW 28B.50.140.

AMENDATORY SECTION (Amending WSR 83-10-004, filed 4/22/83)

WAC 132Q-276-050 Public records available. All public records of the district, as defined in WAC 132Q-276-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW ~~((42.17.310))~~ 42.56.210 and WAC 132Q-276-100.

AMENDATORY SECTION (Amending WSR 83-10-004, filed 4/22/83)

WAC 132Q-276-060 Public records officer. ~~((The district's public records shall be in the charge and control of the public records officer designated by the district president. The person so designated shall be located in the administrative office of the district. The public records officer shall be responsible for implementing the district's rules and regulations regarding release of public records, coordinating the staff of the district in this regard, and generally insuring compliance by the staff with the public records disclosure of chapter 42.17 RCW.))~~ (1) Any person wishing to request access to public records of District 17, or seeking assistance in making such a request should contact the public records officer of District 17. Throughout this chapter, references to the public records officer shall mean the public records officer or his/her designee.

(2) Contact information:

Public Records Officer
Community Colleges of Spokane
P.O. Box 6000
Spokane, WA 99217-6000
Phone: 509-434-5275
Fax: 509-434-5279
Email: publicrecords@ccs.spokane.edu

(3) Information is also available at the Community Colleges of Spokane web site at <http://www.ccs.spokane.edu/getdoc/696748c1-fee0-4f18-8777-a3ac9e1cb95/prr.aspx>.

(4) The public records officer and District 17 shall assist requestors, comply with chapter 42.56 RCW, the Public Records Act, and provide public records training and assistance to college employees.

AMENDATORY SECTION (Amending WSR 83-10-004, filed 4/22/83)

WAC 132Q-276-080 Requests for public records. In accordance with requirements of RCW ~~((42.17.290))~~ 42.56-100, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the district which shall be available at its administrative office and online at <http://www.ccs.spokane.edu/getdoc/f7dfbca0-8837-4866-af04-da9b18477a8c/ccs.2136-1.aspx>. The form shall be presented to the public records officer or to any member of the district's administrative staff,

if the public records officer is not available, at the district office during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the records;
- (b) The address of the person requesting the records;
- (c) Other contact information, including telephone number and any email address;
- (d) Adequate identification of the public records for the public records office to locate the records;
- (e) The date and time of day ((and calendar date on which the request was made;
- (e) The nature of the request;
- (d) The matter requested as referenced within the current index maintained by the records officer, or if the matter is not identifiable by reference in the district's current index, an appropriate description of the record requested)) of the request.
- (f) A verification that the records requested shall not be used to compile a commercial sales list.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or other staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

AMENDATORY SECTION (Amending WSR 04-10-065, filed 4/30/04, effective 5/31/04)

WAC 132Q-276-090 ((Copying)) Costs of providing copies of public records. ((No fee shall be charged for the inspection of public records of Washington State Community College District 17. The district may charge a fee per page for providing copies of public records, for use of the district's copy equipment and postage. This charge shall be an amount necessary to reimburse the district for its actual costs directly incident to such copying.)) (1) The following copy fees and payment procedures apply to public records requests made after the effective date of this rule.

(2) Pursuant to RCW 42.56.120 (2)(b), District 17 is not calculating all actual costs for copying records because to do so would be unduly burdensome for the following reasons:

- (a) The district does not have the resources to conduct a study to determine all its actual copying costs;
- (b) It is difficult to calculate all costs directly incident to copying records; and
- (c) To conduct such a study would interfere with other essential district functions.

(3) Costs of copies. No fees shall be charged for the inspection of public records of Washington State Community College District 17. The district will charge for copies of public records pursuant to the default fees in RCW 42.56.120 (2)(b) and (c). The district will charge for customized services pursuant to RCW 42.56.120(3). Under RCW 42.56.-130, the district may charge other copy fees authorized by statutes outside of chapter 42.56 RCW. The district may enter into an alternative fee agreement with a requestor under RCW 42.56.120(4). The charges for copying methods used by the district are summarized in the fee schedule available on the district's web site at <http://www.ccs.spokane.edu/getdoc/696748c1-fee0-4f18-8777-a3ac9ea1cb95/prr.aspx>.

(4) Requestors are required to pay for copies in advance of receiving records. Fee waivers are an exception and are available for some small requests under the following conditions:

(a) It is within the discretion of the public records officer to waive copying fees when: (i) All of the records responsive to an entire request are paper copies only and are twenty or fewer pages; or (ii) all of the records responsive to an entire request are electronic and can be provided in a single email with attachments of a size totaling no more than the equivalent of twenty pages. If that email for any reason is not deliverable, records will be produced in accordance with this rule.

(b) Fee waivers are not applicable to records requested in installments.

(5) The public records officer may require an advance deposit of ten percent of the estimated fees when the copying fees for an installment or an entire request, or customized service charge, exceeds twenty-five dollars.

(6) All required fees must be paid in advance of release of the copies or an installment of copies, or in advance of when a deposit is required. The district will notify the requestor when payment is due.

(7) Payment should be made by check, credit card, or money order to the Community Colleges of Spokane. The district prefers not to receive cash. For cash payments, it is within the public records officer's discretion to determine the denomination of bills and coins that will be accepted.

(8) The district will close a request when a requestor fails by the payment date to pay in the manner prescribed for records, an installment of records, or a required deposit.

AMENDATORY SECTION (Amending WSR 83-10-004, filed 4/22/83)

WAC 132Q-276-100 Exemptions. (1) The district reserves the right to determine that the public record requested in accordance with the procedures outlined in WAC 132Q-276-080 is exempt under the provisions of chapter ~~((42.17))~~ 42.56 RCW.

(2) In addition, pursuant to RCW ~~((42.17.260))~~ 42.56.070, the district reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter ~~((42.17))~~ 42.56 RCW. The public records officer shall fully justify any such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the records withheld.

WSR 17-21-029
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 17-274—Filed October 10, 2017, 2:11 p.m., effective October 15, 2017]

Effective Date of Rule: October 15, 2017.

Purpose: Amends recreational freshwater fishing rules for eastside rivers.

Citation of Rules Affected by this Order: Repealing WAC 220-312-05000S; and amending WAC 220-312-050.

Statutory Authority for Adoption: RCW 77.04.012, 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: Lagging steelhead returns during the summer of 2017 led fisheries managers to close or reduce daily limits for steelhead fisheries in most of the Columbia River and its tributaries. Recent upturns in the abundance of migrating steelhead over Bonneville Dam and the Snake River dams indicates to fisheries managers that there are adequate numbers of wild and hatchery Group A steelhead to allow for increasing steelhead harvest opportunities during the fall 2017 and winter 2018 in the Snake River and select tributaries to the Snake River. 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 the Request of a Non-governmental 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: October 10, 2017.

Joe Stohr
for J. W. Unsworth
Director

NEW SECTION

WAC 220-312-05000W Freshwater exceptions to statewide rules—Eastside. Notwithstanding the provisions of WAC 220-312-050, effective October 15, 2017, until further notice, the following rules apply: Unless otherwise amended, all permanent rules remain in effect.

(1) Grande Ronde River - from the County Road Bridge (about 2.5 miles upstream from the mouth) to the Oregon State line.

(a) Daily limit of two hatchery steelhead.

(b) Rescinds mandatory hatchery steelhead retention rule.

(c) It is unlawful to fish for or possess steelhead in those waters of all tributaries of the Grande Ronde River.

(2) Snake River - from the mouth of the Snake River (Burbank to Pasco railroad bridge at Snake River mile 1.25) to the Washington/Idaho State line, at Clarkston Washington.

(a) Catch and release only for all steelhead.

(3) Snake River - from the Idaho/Washington state line at (Clarkston Washington) upstream to the Couse Creek Boat Ramp.

(a) Two fish daily limit, release all steelhead 28 inches or greater in length.

(4) Snake River - from Couse Creek Boat Ramp upstream to the Idaho/Oregon state line.

(a) Two fish daily limit, no size restrictions.

(5) Touchet River - from the mouth to the confluence of the North and South Fork Touchet Rivers.

(a) Daily limit of two hatchery steelhead.

(b) Rescinds mandatory hatchery steelhead retention rule.

(c) It is unlawful to fish for or possess steelhead in those waters of all tributaries of the Touchet River.

(6) Tucannon River - from the mouth to the Tucannon Hatchery Road Bridge.

(a) Daily limit of two hatchery steelhead.

(b) Rescinds mandatory hatchery steelhead retention rule.

(7) Walla Walla River - from the mouth to the Oregon State line.

(a) Daily limit of two hatchery steelhead.

(b) Rescinds mandatory hatchery steelhead retention rule.

REPEALER

The following section of the Washington Administrative Code is repealed effective October 15, 2017:

WAC 220-312-05000S Freshwater exceptions to statewide rules—Eastside. (17-202)

WSR 17-21-032
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 17-279—Filed October 11, 2017, 11:30 a.m., effective October 11, 2017, 11:30 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends commercial fishing rules for Puget Sound scallops.

Citation of Rules Affected by this Order: Amending WAC 220-340-610.

Statutory Authority for Adoption: RCW 77.04.012, 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: This emergency rule is needed to open the Puget Sound commercial scallop season. A harvestable surplus of pink and spiny scallops exists in the areas specified to allow for commercial harvest. 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 the Request of a Non-governmental 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: October 11, 2017.

James B. Scott, Jr.
for J. W. Unsworth
Director

NEW SECTION

WAC 220-340-61000B Commercial scallop fishery—Puget Sound. Notwithstanding the provisions of WAC 220-340-610, effective immediately until further notice, it is unlawful to take or possess pink or spiny scallops taken for commercial purposes except as provided for in this section:

(1) It is unlawful to fish for, take, or possess pink or spiny scallops with shellfish dive gear without a commercial scallop dive fishery license holder on board the designated harvest vessel.

(2) Pink or spiny scallop harvest using shellfish diver gear is allowed within Rosario Strait Scallop Area 2 defined by the Washington Department of Health in Marine Fish/Shellfish Catch Reporting Areas 20A, 20B, 21A, and 22A.

(3) Pink or spiny scallop harvest using shellfish diver gear is also allowed in Washington Department of Health (DOH) Approved Commercial Shellfish Growing Areas of Marine Fish/Shellfish Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, 23A, 23B and 25A.

(4) It is unlawful for more than two divers from a harvest vessel to be in the water at any one time during pink or spiny scallop harvest operations or when commercial quantities of pink or spiny scallops are on board the vessel.

(5) It is unlawful to possess any other species of commercial shellfish during pink or spiny scallop harvest opera-

tions and when pink or spiny scallops are onboard the harvest vessel.

WSR 17-21-038 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 17-280—Filed October 12, 2017, 1:14 p.m., effective October 21, 2017]

Effective Date of Rule: October 21, 2017.

Purpose: The purpose of this rule making is to allow nontreaty recreational fishing opportunity in the Columbia River while protecting fish 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 Rules Affected by this Order: Repealing WAC 220-312-06000T; and amending WAC 220-312-060.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 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 2008-2017 *United States v. Oregon* Management Agreement (Aug. 12, 2008) (Doc. No. 2546); *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: In spring of 2017 an approach was developed for limited retention fisheries based on support from an updated abundance estimate, public input, and support from the commission. This emergency rule is needed to allow for opportunity to meet the recreational harvest guideline of one thousand two hundred forty-five white sturgeon by opening the fishery for two days. This action is consistent with decisions made at the joint state hearing on October 11, 2017. 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 the Request of a Non-governmental 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: October 12, 2017.

James B. Scott, Jr.
for J. W. Unsworth
Director

NEW SECTION

WAC 220-312-06000T Freshwater exceptions to statewide rules—Columbia River. Notwithstanding the provisions of WAC 220-312-060, it is unlawful to violate the provisions, provided that unless otherwise amended, all permanent rules remain in effect:

(1) Retention of white sturgeon is allowed on October 21 and October 26, 2017.

(a) The area open to fishing is the mainstem Columbia River from the Wauna powerlines upstream to Bonneville Dam.

(b) The daily retention limit of white sturgeon is one fish between 44-inches minimum and 50-inches maximum fork length. The yearly limit is two retained sturgeon.

(c) Catch and release continues to be allowed in the mainstem Columbia River.

(2) Fork length is measured in a straight line from the tip of the nose to the fork in the caudal fin (tail) with the fish laying on its side on a flat surface, with the tape measure/ruler positioned flat under the fish.

REPEALER

The following section of the Washington Administrative Code is repealed effective October 27, 2017:

WAC 220-312-06000T Freshwater exceptions to statewide rules—Columbia River.

**WSR 17-21-044
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 17-281—Filed October 13, 2017, 9:31 a.m., effective October 16, 2017]

Effective Date of Rule: October 16, 2017.

Purpose: Amends recreational fishing rules in the Quillayute River system.

Citation of Rules Affected by this Order: Repealing WAC 220-312-02000H and 220-312-02000K; and amending WAC 220-312-020.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, 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: This emergency rule is needed because unusually low river flows in recent weeks have created difficult migrating conditions for returning salmon, impeding their movement upstream and increasing their vulnerability to treaty and sport fisheries. The closure is intended to protect these fish until flow conditions change sufficiently to enable normal migration and attainment of escapement goals. 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 the Request of a Non-governmental 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: October 13, 2017.

James B. Scott, Jr.
for J. W. Unsworth
Director

NEW SECTION

WAC 220-312-02000M Freshwater exceptions to statewide rules—Coastal. Notwithstanding the provisions of WAC 220-312-020, effective October 16, 2017, until further notice:

(a) Quillayute River (Clallam County): Closed to fishing.

(b) Sol Duc River (Clallam County): Closed to fishing.

(c) Dickey River (Clallam County): Closed to fishing.

(d) Bogachiel River (Clallam County):

(i) from mouth to Wilson's boat launch: Closed to fishing.

(ii) from Wilson's boat launch to Highway 101 Bridge: Closed to fishing for or retaining salmon.

(iii) from Highway 101 Bridge upstream: Closed to fishing

(e) Calawah River (Clallam County):

(i) from mouth to Highway 101 Bridge: Closed to fishing for or retaining salmon.

(ii) from Highway 101 Bridge upstream: Closed to fishing.

REPEALER

The following sections of the Washington Administrative Code are repealed effective October 16, 2017:

WAC 220-312-02000H Freshwater exceptions to statewide rules—Coastal. (Order 17-166)

WAC 220-312-02000K Freshwater exceptions to statewide rules—Coastal. (Order 17-232)

WSR 17-21-046**EMERGENCY RULES****WESTERN WASHINGTON UNIVERSITY**

[Filed October 13, 2017, 9:47 a.m., effective October 13, 2017, 9:47 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend WAC 516-24-130 Demonstrations.

Statutory Authority for Adoption: RCW 28B.40.120.

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 manifestation of violence and intimidation observed in on-campus demonstrations in Washington state and across the United States over the past six months necessitate immediate changes to the rules in order to preserve the integrity of Western Washington University's educational mission, to protect the health, safety and welfare of students, faculty and staff, and to preserve university property and scarce state resources.

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 the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: October 13, 2017.

Jennifer L. Sloan
Rules Coordinator

AMENDATORY SECTION (Amending WSR 01-09-052, filed 4/13/01, effective 5/14/01)

WAC 516-24-130 Demonstrations and other free speech activities. The value of active participation in political and social issues is recognized by Western Washington

University as enhancing the education of the individual and contributing to the betterment of American society. The rights of free speech, petition and assembly are fundamental to the democratic process guaranteed under the Constitution of the United States and will be promoted and respected at all times.

The university (~~the~~ further) also recognizes that it has an obligation to maintain on campus an atmosphere that allows the institution to perform the fundamental task of providing an opportunity for all members of the community to pursue knowledge through accepted academic processes.

The university further recognizes that it is committed to a safe campus, ensuring the safety of its community members and preventing loss or damage to its facilities or property.

To achieve these objectives it is essential that demonstrations and other free speech activities be orderly and conducted in a time, place, and manner that allows the orderly function of the university. Any person or group of persons shall not, by their conduct (~~disrupt, disturb or interfere with:~~

~~(1) Classroom activities and other educational pursuits;~~

~~(2) Recognized university activities including, but not limited to, ceremonies, meetings, office functions or residence hall activities;~~

~~(3) Pedestrian and vehicular traffic;~~

~~(4) Preservation and protection of university property and personal property of individuals.);~~

(1) Violate the prohibition of firearms, weapons, armor or armaments as set forth in WAC 516-52-020.

(2) Disrupt, disturb or interfere with classroom activities and other educational pursuits.

(3) Disrupt, disturb or interfere with recognized university activities including, but not limited to, ceremonies, meetings, office functions or residence hall activities.

(4) Disrupt, disturb or interfere with pedestrian and vehicular traffic.

(5) Disrupt, disturb or interfere with the preservation and protection of university property and personal property of individuals.

(6) Threaten, by statement or implication, the health, safety or well-being of others.

(7) Contact or communicate in a threatening nature that intimidates, harasses, and would cause a reasonable person to fear for their safety or well-being.

Any person persisting in such conduct after being requested to cease by university authorities, shall be subject, as appropriate, to disciplinary proceedings, trespass, or arrest and prosecution.

WSR 17-21-047**EMERGENCY RULES****WESTERN WASHINGTON UNIVERSITY**

[Filed October 13, 2017, 9:50 a.m., effective October 13, 2017, 9:50 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend chapter 516-36 WAC, Use of university facilities—Scheduling.

Statutory Authority for Adoption: RCW 28B.40.120.

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 manifestation of violence and intimidation observed in on-campus demonstrations in Washington state and across the United States over the past six months necessitate immediate changes to the rules in order to preserve the integrity of Western Washington University's educational mission, to protect the health, safety and welfare of students, faculty and staff, and to preserve university property and scarce state resources.

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 the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

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

Date Adopted: October 13, 2017.

Jennifer L. Sloan
Rules Coordinator

AMENDATORY SECTION (Amending WSR 90-10-042, filed 4/27/90, effective 5/1/90)

WAC 516-36-001 Use of university facilities by off-campus persons or groups—Sponsorship required—Requests. (1) Any person or organization who is not affiliated with the university and who desires to use university facilities or property on a temporary basis for purposes other than assigned university activities or business shall submit a request for use of university facilities or property through a university designated event manager or authorized campus community sponsor to the president or ~~((his))~~ the president's designee. An authorized campus community sponsor means a university department, program, recognized student organization, employee group, alumni group and foundation, and individual members of these sponsors when acting on behalf of the sponsor.

(2) Submitted requests may include, but are not limited to, the following:

(a) The contact information for the authorized campus community sponsor, including sponsor name, contact person name, address, email address, and telephone number;

(b) The contact information for the off-campus persons or organizations, including the organization's name and its contact person name, person's name, address, email address, and telephone number;

(c) The date, time, and the university facility or property to be used;

(d) The nature and purpose of the use;

(e) The estimated number of people expected to be involved, both as participants and as spectators, and, if applicable, estimates of supporters of an event as well as those who may be opposed; and

(f) Other information as may be reasonably requested.

AMENDATORY SECTION (Amending WSR 90-10-042, filed 4/27/90, effective 5/1/90)

WAC 516-36-020 Use of university facilities or property by off-campus persons or groups—Evaluation of request for use. (1) The president, or the president's designee, shall have the authority to accept or reject, in whole or in part, a request submitted pursuant to WAC 516-36-001.

(2) In evaluating a request submitted pursuant to WAC 516-36-001, the president ~~((shall))~~ or designee may consider a variety of factors including, but not limited to, the following ~~((factors))~~:

(a) Whether the facilities or property requested are to be used in connection with a ~~((regularly scheduled))~~ university program or activity.

(b) Whether the intended use of the university's facilities or property is compatible with the educational mission and objectives of the university.

(c) Whether the intended use might cause a disruption of the university's relationship with the local community by conflicting with services provided by private enterprise within the Bellingham area.

(d) The capabilities, qualifications, experience, and financial stability of the individual, organization, or group submitting the request.

(3) The president, or the president's designee, may specify reasonable fire, safety, law enforcement, sanitation, cleanup, insurance, and other risk- or impact-mitigating requirements for the use of university's facilities or property.

(4) Whenever the president (or the president's designee) rejects, either in whole or in part, a request for use of university facilities or property, the reasons for such rejection shall be stated in writing.

AMENDATORY SECTION (Amending WSR 90-10-042, filed 4/27/90, effective 5/1/90)

WAC 516-36-030 Use of university facilities or property by off-campus persons or groups—Assessment of fees and costs. (1) The president, or the president's designee, shall have authority to establish a schedule of fees or to estimate costs to govern the use of university facilities or property by persons who are not affiliated with the university, and to alter or modify the fee schedule or cost estimate whenever such action is deemed to be necessary or appropriate or in the best interests of the university. The fee or cost for the use of each campus facility or property shall be sufficient to

~~((insure))~~ ensure the recovery by the university of all direct and indirect costs associated with the use of the facility or property, including all direct and indirect costs of goods or services furnished by the university in connection with the use of the facility.

(2) The president, or the president's designee, may waive all or part of the normal fee or the estimated cost for use of a

particular facility or property by persons not affiliated with the university under the following circumstances:

(a) The use of the university facility or property is related to the educational mission of the university; and

(b) Members of the university community will receive a ((substantial)) benefit from the intended use of the facility or property and no person or group will derive profit from the intended use of the facility or property; or

~~((b))~~ (c) The group requesting the use of the university's facility is an agency of the state of Washington.

WSR 17-21-048

EMERGENCY RULES

WESTERN WASHINGTON UNIVERSITY

[Filed October 13, 2017, 9:52 a.m., effective October 13, 2017, 9:52 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend WAC 516-52-020 Firearms and dangerous weapons.

Statutory Authority for Adoption: RCW 28B.40.120.

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 manifestation of violence and intimidation observed in on-campus demonstrations in Washington state and across the United States over the past six months necessitate immediate changes to the rules in order to preserve the integrity of Western Washington University's educational mission, to protect the health, safety and welfare of students, faculty and staff, and to preserve university property and scarce state resources.

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 the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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: October 13, 2017.

Jennifer L. Sloan
Rules Coordinator

AMENDATORY SECTION (Amending WSR 93-01-080, filed 12/14/92, effective 1/14/93)

WAC 516-52-020 (~~Firearms and dangerous~~) Weapons and armaments prohibited. (1) Only such persons who are authorized to carry firearms or other weapons or armaments as duly appointed and commissioned law enforcement officers in the state of Washington, commissioned by agencies of the United States government, or authorized by contract with the university, shall possess firearms or other weapons or armaments issued for their possession by their respective law enforcement agencies or employers while on the campus or other university-controlled property, including, but not limited to, residence halls. ~~((No one may possess explosives unless licensed to do so for purposes of conducting university authorized activities relating to building construction or demolition.~~

~~((2) Other than the law enforcement officers or other individuals referenced in subsection (1) of this section, members of the campus community and visitors who bring firearms or other weapons to campus must immediately place the firearms or weapons in the university provided storage facility. The storage facility is located at the university public safety department and is accessible twenty-four hours per day.~~

~~((3) If any member of the campus community or visitor wishes to bring a weapon to the campus for display or demonstration purposes directly related to a class, seminar, or other educational activity, permission for such possession may be applied for at the university public safety department, which shall review any such proposal and may establish the conditions of the possession on campus.))~~

(2) Except for those persons identified in subsection (1) of this section or under the circumstances described in subsection (6), (7), or (8) of this section, possession or use of firearms, dangerous chemicals, armor or armaments, or other weapons is prohibited on the university campus, university owned property, and at university sponsored events. No one may possess fireworks or explosives unless certified or licensed to do so for purposes of conducting university-authorized activities, building construction or demolition.

(3) Firearm means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder, whether loaded or unloaded.

(4) Weapon includes, but is not limited to, air guns, pellet guns, paint ball guns, or other pneumatic propellant devices, bows, crossbows, slingshots or other muscle powered projectile devices, daggers, swords, knives or other cutting or stabbing instruments with blades longer than three inches, clubs, bats, sand clubs, truncheons, metal knuckles, incendiary devices or materials, or any other objects or instruments apparently capable of producing bodily harm, used in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons or property.

(5) Armor or armaments includes, but is not limited to, shields, body armor, tactical gear, face masks and helmets used in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons or prop-

erty, or in any way to avoid apprehension for a criminal act or acts.

(6) Other than the law enforcement officers or other individuals referenced in subsection (1) of this section, members of the campus community and visitors who bring firearms or other weapons or armaments to campus must immediately place the firearm(s), weapon(s) or armament(s) in the university provided storage facility. The storage facility is located at the university public safety department and is accessible twenty-four hours per day.

(7) Possession of a valid concealed pistol license authorized by the state of Washington is not an exemption under this section. However, nothing in this section shall prevent an individual holding a valid concealed pistol license from securing their pistol in a vehicle as authorized under RCW 9.41.050.

(8) Individuals seeking to bring a firearm or other weapon onto campus, university-owned property, or a university sponsored event must obtain prior written authorization at the university public safety department, which shall have sole authority to review and approve any such request and, if approval is granted, establish conditions to the firearm or weapon authorization.

(9) Violations of the subsections of this section are subject to appropriate disciplinary or legal action including, but not limited to, exclusion from campus, expulsion, or criminal prosecution.

WSR 17-21-054
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 17-282—Filed October 13, 2017, 4:35 p.m., effective October 16, 2017]

Effective Date of Rule: October 16, 2017.

Purpose: Amend recreational fishing regulations for the Hoh and South Fork Hoh rivers.

Citation of Rules Affected by this Order: Amending WAC 220-312-020.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, 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: This emergency rule is needed because unusually low river flows in recent weeks have created difficult migrating conditions for returning salmon, impeding their movement upstream and increasing their vulnerability to treaty and sport fisheries. The closure is intended to protect these fish until flow conditions change sufficiently to enable normal migration and attainment of escapement goals. 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 the Request of a Non-governmental 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: October 13, 2017.

Ron Warren
for J. W. Unsworth
Director

NEW SECTION

WAC 220-312-0200N Freshwater exceptions to statewide rules—Coastal. Notwithstanding the provisions of WAC 220-312-020, effective October 16, 2017, until further notice:

Hoh River (Clallam County), including South Fork; outside of Olympic National Park Waters: Closed to fishing.

WSR 17-21-070
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)

[Filed October 16, 2017, 12:50 p.m., effective October 16, 2017, 12:50 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The department is amending and repealing existing sections and creating new sections in chapter 388-845 WAC as part of the developmental disabilities administration's (DDA) waiver renewal process. These emergency rules reflect the changes approved by the Centers for Medicare and Medicaid Services (CMS) in August 2017.

The purpose of this filing is to correct an error and to cancel and supersede the CR-103E filed under WSR 17-18-066. This CR-103E adds WAC 388-845-0603 and 388-845-2000 to the set of amended rules.

Citation of Rules Affected by this Order: New WAC 388-845-0515, 388-845-0520 and 388-845-0525; repealing WAC 388-845-1200, 388-845-1205, 388-845-1210, 388-845-1840, 388-845-1845 and 388-845-1850; and amending WAC 388-845-0110, 388-845-0210, 388-845-0215, 388-845-0220, 388-845-0225, 388-845-0230, 388-845-0425, 388-845-0500, 388-845-0501, 388-845-0505, 388-845-0506, 388-845-0510, 388-845-0603, 388-845-0700, 388-845-0820, 388-845-0910, 388-845-1000, 388-845-1015, 388-845-1150, 388-845-1650, 388-845-1655, 388-845-1660, 388-845-1700, 388-845-1710, 388-845-1865, 388-845-1900, 388-845-2000, 388-845-2010, and 388-845-2170.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.12.120.

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: DDA must not authorize waiver services unless they are part of a waiver application approved by CMS. CMS has approved DDA's waiver applications. These emergency rules are necessary to provide the services approved by CMS and for DDA to receive federal funding.

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 the Request of a Non-governmental 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 3, Amended 29, Repealed 6.

Date Adopted: October 12, 2017.

Katherine I. Vasquez
Rules Coordinator

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 17-22 issue of the Register.

**WSR 17-21-089
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 17-283—Filed October 17, 2017, 3:37 p.m., effective October 18, 2017]

Effective Date of Rule: October 18, 2017.

Purpose: Amends commercial purse seine and gillnet fisheries in Puget Sound.

Citation of Rules Affected by this Order: Repealing WAC 220-354-12000A and 220-354-16000A; and amending WAC 220-354-120 and 220-354-160.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, 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: This emergency rule is needed to close the commercial salmon fisheries in Salmon Manage-

ment and Catch Reporting Areas 7 and 7A as per preseason agreement with tribal comanagers based on the nontreaty chum catch to date in these areas. Additionally, there is not enough nontreaty share remaining to allow for multiple day openings. 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 the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: October 17, 2017.

Joe Stohr
for J. W. Unsworth
Director

NEW SECTION

WAC 220-354-12000A Purse seine—Open periods. Notwithstanding the provisions of WAC 220-354-120, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except during the periods provided in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Areas	Open Periods
7, 7A	Closed 10/18 and 10/20

NEW SECTION

WAC 220-354-16000A Gillnet—Open periods. Notwithstanding the provisions of WAC 220-354-160, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except during the periods provided in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Areas	Open Periods
7, 7A	Closed 10/18 and 10/20

REPEALER

The following sections of the Washington Administrative Code are repealed effective 11:59 PM October 20, 2017:

WAC 220-354-12000A Purse seine—Open periods.

WAC 220-354-16000A Gillnet—Open periods.

WSR 17-21-109
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed October 18, 2017, 10:34 a.m., effective October 19, 2017]

Effective Date of Rule: October 19, 2017.

Purpose: The department is amending WAC 388-06A-0110 Who must have background checks?, to align with changes in RCW 74.15.030 and 43.43.832 which allows the department to complete background checks on individuals younger than sixteen years old when it is warranted to ensure the safety of children in foster care.

Citation of Rules Affected by this Order: Amending WAC 388-06A-0110.

Statutory Authority for Adoption: RCW 74.15.030, 43.43.832.

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: Changes were made to RCW 74.15.030 and 43.43.832 by section 5, chapter 20, Laws of 2017, that go into effect on October 19, 2017. WAC 388-06A-0110 is being amended to align with these revised RCW.

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

Number of Sections Adopted at the Request of a Non-governmental 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 1, Repealed 0.

Date Adopted: October 17, 2017.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-03-071, filed 1/15/15, effective 2/15/15)

WAC 388-06A-0110 Who must have background checks? (1) Per RCW 74.15.030, the department requires background checks on all providers who may have unsupervised access to children. This includes licensed, certified or contracted providers, their current or prospective employees

and prospective adoptive parents as defined in RCW 26.33.020.

(2) Per RCW 74.15.030, the department also requires background checks on other individuals who may have unsupervised access to children in department licensed or contracted homes, or facilities which provide care. The department requires background checks on the following people:

(a) A volunteer or intern with regular or unsupervised access to children;

(b) Any person who regularly has unsupervised access to a child. However, a background check is not required when a caregiver approves the unsupervised access for a normal childhood activity that lasts less than seventy-two hours, per RCW 74.13.710;

(c) A relative other than a parent who may be caring for a child; ~~((and))~~

(d) A person who is at least sixteen years old and resides in a foster, relative, or other suitable person's home and is not a foster child; and

(e) A person who is younger than sixteen years old in situations where it may be warranted to ensure the safety of children in out-of-home care.

(3) Per RCW 13.34.138, prior to returning a dependent child home the department requires a background check on all adults residing in the home.

WSR 17-21-114
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed October 18, 2017, 10:56 a.m., effective October 19, 2017]

Effective Date of Rule: October 19, 2017.

Purpose: The department is proposing to amend WAC 388-310-0300 WorkFirst—Infant care exemptions for mandatory participants and 388-310-1450 Pregnancy to employment, to comply with legislation extending the infant exemption to WorkFirst participants with children under the age of two for a lifetime limit of twenty-four months.

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

Statutory Authority for Adoption: RCW 74.08A.270, 74.08A.260, 74.04.050, 74.08.090, 74.04.055.

Other Authority: ESSB 5898.

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

Reasons for this Finding: ESSB 5898 from the 65th legislature 2017 3rd sp. sess. requires enactment of this state law by October 19, 2017.

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

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

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

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: October 13, 2017.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-09-037, filed 4/9/15, effective 5/10/15)

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

Either you or the other parent (living in the household) can claim an infant exemption from participating in WorkFirst activities provided you:

(a) Have a child under (~~one year~~) two years of age;

(b) Choose to not fully participate in the WorkFirst program (see WAC 388-310-0400); and

(c) Have not used up your lifetime (~~twelve-month~~) twenty-four month infant exemption.

(2) **If I choose my infant exemption, can I still be required to participate in the WorkFirst program?**

You are required to participate up to twenty hours per week in parenting education or parent skills training, mental health and/or chemical dependency treatment if:

(a) The comprehensive evaluation or assessment indicates a need; and

(b) Services are available in your community.

(3) **Can I volunteer to participate in WorkFirst while I have a child under (~~one~~) two years of age?**

You may choose to fully participate in WorkFirst (see WAC 388-310-0400) while you have a child under (~~one year~~) two years of age. If you decide later to stop participating and you still qualify for an exemption, you will be put back into exempt status with no financial penalty provided you meet conditions (1) and (2) above.

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

Even if you are exempt from participation, each month you receive a TANF/SFA grant counts toward your sixty-month limit (see WAC 388-484-0005).

AMENDATORY SECTION (Amending WSR 15-09-037, filed 4/9/15, effective 5/10/15)

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

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

(2) **What services are provided to the pregnancy to employment pathway?**

(a) The pregnancy to employment pathway provides you with services, when available in your community, to help you learn how to work, look for work, or prepare for work while still meeting your child's needs. You and your case manager or social worker will decide which variety of services you need such as:

(i) Parenting education or parenting skills training;

(ii) Safe and appropriate child care;

(iii) Mental health treatment;

(iv) Chemical dependency treatment;

(v) Domestic violence services; or

(vi) Employment services.

(b) The case manager or social worker will contact you every three months to offer you services if you are not required to participate and choose to claim the infant exemption.

(3) **What am I required to do while I am in the pregnancy to employment pathway?**

You must participate in an assessment with a DSHS social worker and based on the results you will:

(a) Work with your case manager/social worker to decide which required activities best meet your needs. These activities will depend on where you are in the pregnancy or the age of your child and will be added to your individual responsibility plan (IRP).

(b) Be required to participate in the activities identified in your IRP.

(4) **What am I required to do while I am pregnant?**

Based upon the results of your assessment, your participation:

(a) During your first and second trimester of pregnancy will be full-time work, looking for work, or preparing for work unless you have a good reason to participate fewer hours (see WAC 388-310-1600).

(b) During your third trimester of pregnancy will be up to twenty hours per week in parenting education or parenting skills training, mental health and/or chemical dependency treatment if:

(i) The comprehensive evaluation or assessment indicates a need; and

(ii) Services are available in your community.

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

After the birth of your child, you may choose to take the infant exemption (See WAC 388-310-0300) or volunteer to participate in WorkFirst activities to the fullest of your abilities (see WAC 388-310-0400).

(6) **What if I have used my (~~twelve-month~~) twenty-four month lifetime infant exemption?**

If you have another child after using all (~~twelve~~) twenty-four months of the infant exemption, you will be:

(a) Eligible for a twelve-week postpartum deferral period to personally take care of an infant less than twelve weeks of age. During the twelve-week postpartum deferral period, you will be required to participate up to twenty hours per week in mental health and/or chemical dependency treatment if the comprehensive evaluation or assessment indicates a need and services are available in your community.

(b) Required (unless otherwise exempt or you have good reason to participate fewer hours) to participate full time, once your child turns twelve-weeks old. Activities in which you are required to participate include one or more of the following:

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

(7) Will I be sanctioned if I refuse to participate?

(a) You are required to participate in the WorkFirst program (see WAC 388-310-0200) subject to sanction (see WAC 388-310-1600) unless you have good reason and you:

- (i) Are in your third trimester of pregnancy; or
- (ii) Have not used up your ~~((twelve-month))~~ twenty-four month lifetime infant exemption and have a child under the age of ~~((one-year))~~ two years old; or
- (iii) Have used up your ~~((twelve-month))~~ twenty-four month lifetime infant exemption and have a child under twelve weeks.

(b) You may be sanctioned if you stop participating in required parenting education or parenting skills training, mental health and/or chemical dependency treatment even if you are in your third trimester, claiming the infant exemption, or using a twelve-week postpartum deferral period.

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The Public Records Act is chapter 42.56 RCW. RCW 42.56.120 as amended, requires that before an agency uses the amended statutory default copy fee schedule in the new law (rather than determining actual costs of copies), the agency must have a rule declaring the reason that it is not calculating actual costs because to do so would be unduly burdensome. This agency is not calculating actual costs for copying records because to do so would be unduly burdensome. This agency will adhere to the public records request default fee schedule as outlined in RCW 42.56.120 and incorporated in the table below when providing copies of public records.

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

Number of Sections Adopted at the Request of a Non-governmental 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 1, Amended 0, Repealed 0.

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

Date Adopted: August 8, 2017.

Kelly L. Griffith
Executive Assistant
to the President
Rules Coordinator

**WSR 17-21-115
EMERGENCY RULES
PENINSULA COLLEGE**

[Filed October 18, 2017, 10:58 a.m., effective October 18, 2017, 10:58 a.m.]

Effective Date of Rule: Immediately upon filing.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The Public Records Act is chapter 42.56 RCW. RCW 42.56.120 as amended, requires that before an agency uses the amended statutory default copy fee schedule in the new law (rather than determining actual costs of copies), the agency must have a rule declaring the reason that it is not calculating actual costs because to do so would be unduly burdensome.

Purpose: The purpose of the rule is to implement the state legislature's new Public Records Act requirement and provide the necessary findings so that [the] agency may use the amended statutory default fee schedule and explain procedures for payment.

Statutory Authority for Adoption: RCW 42.56.100, 42.56.040 (1)(d), [42.]56.120 (as amended by chapter 304, Laws of 2017); RCW 42.10.110.

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

AMENDATORY SECTION (Amending WSR 99-15-072, filed 7/20/99, effective 8/20/99)

WAC 132A-276-045 Copying. No fee shall be charged for the inspection of public records. The district ~~((may impose a reasonable charge for))~~ will adhere to the public records request default fee schedule as outlined in RCW 42.56.120 and incorporated in the table below when providing copies of public records ~~((and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse the district for its actual costs incident to such copying))~~. All fees must be paid by money order, credit card, cashier's check, or cash in advance.

PRA Fee Schedule

<u>Actual cost</u>	<u>Customized service charge (in addition to fees for copies - See copying fees below).</u>

Copies:	
<u>15 cents/page</u>	<u>Photocopies, printed copies of electronic records when requested by the requestor, or for the use of agency equipment to make photocopies.</u>
<u>10 cents/page</u>	<u>Scanned records, or use of agency equipment for scanning.</u>
<u>5 cents/each 4 electronic files or attachment</u>	<u>Records uploaded to email, or cloud-based data storage service, or other means of electronic delivery.</u>
<u>10 cents/gigabyte</u>	<u>Records transmitted in electronic format or for use of agency equipment to send records electronically.</u>
<u>Actual cost</u>	<u>Digital storage media or devices.</u>
<u>Actual cost</u>	<u>Any container or envelope used to mail copies.</u>
<u>Actual cost</u>	<u>Postage or delivery charges.</u>
<u>Copy charges above may be combined to the extent more than one type of charge applies to copies responsive to a particular request.</u>	
Option for Copies:	
<u>Up to \$2 flat fee</u>	<u>As an alternative to the copy charges above, an agency may charge a flat fee of up to \$2 for any request when the agency reasonably estimates and documents that the costs are equal to or more than \$2. If applied to the initial installment, additional flat fees shall not be charged for subsequent installments.</u>

WSR 17-21-116
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Children's Administration)

[Filed October 18, 2017, 11:03 a.m., effective October 21, 2017]

Effective Date of Rule: October 21, 2017.

Purpose: The department is filing a second CR-103E as required, because the permanent WAC changes will not go into effect before the original emergency rules expire. The public hearing for the proposed permanent rules was held on October 10, 2017, and the CR-103P will be filed in October 2017.

The intent of amending WAC 388-145-1555(5), 388-145-1600(4), 388-145-1665(4), 388-145-1675 (1), (2), and 388-148-1465 (3), (6), is to provide further instructions on

fire safety and to align the division of licensed resources (DLR) WAC with the current building code requirements.

The intent of amending WAC 388-148-1470 (14), (15), and 388-148-1515(9), is to include additional safety requirements regarding the use of weighted blankets and to clarify that neither formula nor breast milk can be warmed in the microwave oven. This WAC change is specific to infant and child safety and was recommended by the children's administration regional medical consultants.

There will be no other content or language changes to WAC that are part of this emergency rule change.

Citation of Rules Affected by this Order: Amending WAC 388-145-1555(5), 388-145-1600(4), 388-145-1665(4), 388-145-1675 (1), (2), 388-148-1465 (3), (6), 388-148-1470 (14), (15), and 388-148-1515(9).

Statutory Authority for Adoption: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.090, 74.13.031.

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 WAC changes are being requested to align the DLR WAC with the current building code and to provide additional safety related language to the use of weighted blankets and clarify that neither formula or breast milk can be warmed in the microwave oven. The WAC changes are specific to infant and child safety.

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 7, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental 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 7, Repealed 0.

Date Adopted: October 12, 2017.

Katherine I. Vasquez
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-145-1555 What does the department require for my buildings and property? (1) You must maintain your buildings, premises, and equipment in a clean and sanitary condition, free of hazards, and in good repair. You must furnish your facility appropriately, based on the age and activities of the children in your care. You must:

(a) Provide handrails for steps, stairways, and ramps if required by the department;

(b) Have emergency lighting devices available and in operational condition;

(c) Provide appropriate furnishings, based on the age and activities of the children in your care;

(d) Have washable, water-resistant floors in bathrooms, kitchens, and other rooms exposed to moisture. Washable short-pile carpeting may be approved in kitchen areas if kept clean and sanitary;

(e) Provide tamper-proof or tamper-resistant electrical outlets or blank covers installed in areas accessible to children under the age of six or other persons with limited capacity or who might be endangered by access to them; and

(f) Have easy access to rooms occupied by children in case an emergency arises.

(2) You must have adequate indoor and outdoor space, ventilation, toilet and bathing facilities, light and heat to ensure the health and comfort of all members of the household.

(3) The cleanliness and care of your premises must meet generally accepted health standards for the storage and preparation of food.

(4) You must make reasonable attempts to keep the premises free from pests, such as rodents, flies, cockroaches, fleas, and other insects using the least toxic methods.

(5) People must be able to easily open doors from the inside and outside in all areas of the facility that are occupied, unless the building or structure has a fire sprinkler protection system and was previously approved by the local fire marshal or building official with jurisdiction. This includes closets, bathrooms, and bedrooms. You must also have easy access to the outside in case of an emergency.

(6) Facilities must have nonbreakable light fixture covers or shatter-resistant light bulbs or tubes in food preparation and dining areas. DLR will review your facility to determine other areas that may be a concern for the safety of children.

(7) You must have an immediate plan to address hazardous conditions on your property or in your facility. The department may remove children from your care if hazardous conditions are not immediately remedied.

(8) Your facility must be accessible to emergency vehicles and your address must be clearly visible on your facility or mailbox so that first responders can easily find your location.

(9) Your facility must be located on a well-drained site, free from hazardous conditions. You must discuss with your licensor any potential hazardous conditions, considering the children's ages, behaviors and abilities.

(10) You must have a working landline telephone at all times. Individuals calling your facility must be able to leave a message at all times.

(11) You must post emergency numbers and the physical address of the facility in an easily visible location near the telephone. This must include the Washington state poison control number (1-800-222-1222).

(12) Utility rooms with mop sinks that do not have windows opening to the outside must be ventilated with a mechanical exhaust fan to the outside of the building.

(13) The use of window blinds or other window coverings with pull cords capable of forming a loop and posing a

risk of strangulation to children are prohibited per RCW 43.215.360.

(14) Infants/toddlers are not allowed to use wheeled baby walkers.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-145-1600 What are the general requirements for bedrooms? (1) Each child shall have or share a bedroom, approved by the licensor, with privacy and space that is appropriate and adequate to meet the child's developmental needs.

(2) For facilities licensed after December 31, 1986, bedrooms must have:

(a) Adequate ceiling height for the safety and comfort of the occupants. Normally this would be seven and a half feet; and

(b) A window that can open to the outside, allowing natural light into the bedroom and permitting emergency access or exit.

(3) Each bedroom must have unrestricted direct access to outdoors as well as one direct access to common use areas such as hallways, corridors, living rooms, day rooms, or other such common use areas.

(4) Approval may be granted to a building or structure that does not have direct access to the outdoors if it has a fire sprinkler protection system and was previously approved by the local fire marshal or building official with jurisdiction.

(5) You must not use hallways, kitchens, living rooms, dining rooms, and unfinished basements as bedrooms.

~~((5))~~ (6) Common areas of the facility such as hallways, kitchens, living rooms, and dining rooms must not be used as bedrooms for anyone in the household without permission of the DLR licensor and DSHS worker, if applicable.

~~((6))~~ (7) An adult must be on the same floor or within easy hearing distance and access to where children under six years of age are sleeping.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-145-1665 What are the fire safety requirements for all group residential facilities? (1) You must comply with the regulations developed by the chief of the Washington state patrol through the director of the fire protection bureau (WSP/FPB). These regulations are contained in the current fire code and Washington state amendments as adopted by the state of Washington. Contact the WSP/FPB for specific requirements.

(2) If you operate a staffed residential home for five or fewer children you must meet the fire safety requirements outlined in chapter 388-148 WAC for child foster homes.

(3) You and your staff must be familiar with safety procedures related to fire prevention, including fire drill procedures.

(4) You and your staff must be able to:

(a) Operate all fire extinguishers installed on the premises;

(b) Test smoke detectors (single station types);

(c) Conduct frequent inspections at your facility to identify fire hazards and take action to correct any hazards noted during the inspection;

(d) Ensure children are able to escape from every floor in your facility. In most cases, this includes a functional fire ladder available from upper stories; and

(e) ~~((Ensure windows open to the outside and are large enough for emergency personnel to enter and exit wearing rescue gear))~~ Approval may be granted to a building or structure that does not have direct access to the outdoors if it has a fire sprinkler protection system and was previously approved by the local fire marshal or building official with jurisdiction.

(5) You must have easy access to all rooms in your facility in case of emergencies.

(6) Barriers are required for fireplaces, wood stoves and other heating systems for facilities licensed for children less than six years of age. You must not leave open-flame devices unattended or use them for a purpose other than for what they were designed.

(7) Emergency vehicles must be able to access your facility. Your address and/or mailbox must be clearly visible so that emergency personnel can easily find your location.

(8) We may require you to have an inspection by WSP/FPB or the local fire authority if we have questions about fire safety, or if local ordinances or WSP/FPB require these inspections.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-145-1675 What requirements must be followed for smoke detectors? (1) Staffed residential homes licensed for five or fewer children must meet all of the following:

(a) ~~((If a sleeping or napping room has a ceiling height that is at least twenty four inches higher than its adjoining hallway, you must install a smoke detector in both the hallway and the sleeping or napping room;))~~ Your facility must have smoke detectors in operating condition both inside and outside of all sleeping areas. Smoke detectors must also be installed on each story of the facility, in all play areas, and in the basement. You must install and maintain smoke detectors according to the manufacturer's specifications.

(b) If a smoke detector is mounted on a wall, it must be twelve inches from the ceiling and a corner~~((; and))~~.

(c) Smoke detectors must be tested twice a year to ensure they are in working order. You must document the date and time of the test.

(2) All other group residential facilities must meet the regulations developed by the WSP/FPB. You must also meet all of the following:

(a) ~~((Have))~~ Smoke detectors ((that are UL)) must be Underwriter's Laboratory (UL) or Factory Mutual (FM) approved and in ((each bedroom or in areas close to where children sleep, such as a hallway;

~~((b) Have smoke detectors on each level/story of the dwelling to include basements and habitable attics;))~~ operating condition both inside and outside of all sleeping areas. Smoke detectors must also be installed on each story of the facility, in all play areas, and in the basement. You must

install and maintain smoke detectors according to the manufacturer's specifications.

~~((; and))~~ (b) Have smoke detectors with a strobe and be in compliance with the Americans with Disabilities Act (ADA).

~~((; and))~~ (c) Test single-station smoke detectors monthly or in a manner specified by the manufacturer. You must maintain a written record of such testing on the premises that indicates the date and time the test was completed.

(3) If questions arise concerning fire danger, the department may require that the local fire protection authority be consulted.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-148-1465 What other emergency fire and safety requirements must I follow to become licensed? (1) You must observe all state and local fire codes (WAC 212-12-005). We will determine that reasonable fire safety standards exist in your home based on the children placed in your home.

(2) Children must be able to escape from every floor in your home. In most cases, this includes a functional fire ladder available from upper stories.

(3) Windows must open to the outside and be large enough for a rescue person to enter and exit wearing rescue gear, unless the building or structure was previously approved by the local fire marshal or building official with jurisdiction.

(4) You must have easy access to all rooms in your home in case of emergency.

(5) We may require you to have an inspection by WSP/FPB or the local fire authority if we have questions about fire safety, or if local ordinances or WSP/FPB require these inspections.

(6) Your home must have smoke detectors in operating condition ~~((to protect sleep areas, play areas and))~~ both inside and outside of all sleeping areas. Smoke detectors must also be installed on each story of the home, in all play areas, and in the basement. You must install and maintain smoke detectors according to manufacturer's specifications.

(7) You must have at least one approved 2A10BC-rated 5lb or larger all-purpose fire extinguisher readily available at all times. You must maintain and service fire extinguishers according to manufacturer's specifications.

(8) Barriers are required for fireplaces, wood stoves and other heating systems if you are licensed for children less than six years of age. You must not leave open-flame devices unattended or use them incorrectly.

(9) Emergency vehicles must be able to access your home. Your address must be clearly visible on your home or mailbox so that emergency personnel can easily find your home.

AMENDATORY SECTION (Amending WSR 16-17-101, filed 8/19/16, effective 9/19/16)

WAC 388-148-1470 What are the general requirements for bedrooms? (1) Each child shall have a bedroom, approved by the licensor, with privacy and space that is appropriate and adequate to meet the child's developmental

needs. Children may share bedrooms, in compliance with WAC 388-148-1475.

(2) Each bedroom must have unrestricted direct access to outdoors as well as one direct access to common use areas such as hallways, corridors, living rooms, day rooms, or other such common use areas.

(3) You may not use hallways, kitchens, living rooms, dining rooms, and unfinished basements as bedrooms.

(4) Children may not be required to pass through private bedroom space in order to access common areas of the home.

(5) An adult must be on the same floor or within easy hearing distance and access to where children under six years of age are sleeping.

(6) You must provide an appropriately sized separate bed for each child with clean bedding, and a mattress in good condition.

(7) Some children may soil the bed, and you may need to plan accordingly. You must provide waterproof mattress covers or moisture-resistant mattresses if needed. Each child's pillow must be covered with waterproof material or be washable.

(8) You must assure that children have access to clean clothing that is appropriate for their age. You must provide safe storage of children's clothing and personal possessions.

(9) You must provide an infant with a crib that ensures the safety of the infant, and complies with chapter 70.111 RCW, Consumer Product Safety Improvement Act of 2008. These requirements include:

(a) A maximum of 2 3/8" between vertical slats of the crib; and

(b) Cribs, infant beds, bassinets, and playpens must have clean, firm, snug-fitting mattresses covered with waterproof material that can be easily disinfected and be made of wood, metal, or approved plastic with secure latching devices.

(10) You must place infants on their backs for sleeping, unless advised differently by the child's licensed health care provider.

(11) You may not have loose blankets, pillows, crib bumpers, or stuffed toys with a sleeping infant.

(12) You may swaddle infants using one lightweight blanket upon the advice and training of a licensed health care provider. You must keep the blanket loose around the hips and legs when swaddling in order to avoid hip dysplasia. You may swaddle infants under two months of age unless a licensed health care provider directs otherwise. You may not dress a swaddled infant in a manner that allows them to overheat.

(13) You may not use wedges and positioners with a sleeping infant unless advised differently by the infant's licensed health care provider.

(14) You may not use weighted blankets for children under three years of age or ~~((that have))~~ for children of any age with mobility limitations ((unless advised differently by the child's licensed health care provider)).

(15) ~~((#))~~ You may use a weighted blanket(;) upon the advice and training from a licensed health care professional for children over the age of three years who do not have mobility limitations. You must meet the following requirements:

(a) The weight of the blanket may not exceed ten percent of the child's body weight;

(b) Metal beads are choking hazards and may not be used in a weighted blanket; ~~((and))~~

(c) You may not cover the child's head with a weighted blanket or place it above the middle of the child's chest((-);

(d) The weighted blanket must not hinder a child's movement; and

(e) The weighted blanket must not be used as a restraint.

(16) You may not allow children to use the loft style beds or upper bunks if the child is vulnerable due to age, development or condition. Examples: Preschool children, expectant mothers, and children with a disability.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-148-1515 What are the requirements regarding food? (1) Food served to children in your care must meet their nutritional and developmental needs, with a variety of options for adequate nutrition and meal enjoyment.

(2) Children's cultural needs should also be considered when planning meals.

(3) All home-canned foods must be preserved following published procedures and you must be able to provide the printed published procedures that you followed.

(4) Before you modify a child's diet, you must obtain written authorization from a physician for children under the age of ten years.

(5) The milk or milk products you serve must be pasteurized. Children between the ages of twelve and twenty-four months must receive whole milk unless you have written authorization from a physician not to serve whole milk.

(6) Children under the age of twelve months must receive formula or breast milk unless the child's physician authorizes a different diet.

(7) Before serving a child breast milk you must have approval of the child's DSHS worker, physician, parent or guardian. If breast milk is provided by anyone other than a baby's biological mother, it must be obtained through a licensed breast milk bank.

(8) When you are using bottles to feed infants, you must sterilize and use them according to product standards and commonly acceptable practices. You must refrigerate filled bottles if you do not use them immediately, and you must empty the bottle if not used within twenty-four hours.

(9) To prevent burns, formula or breastmilk must not be warmed in a microwave oven ~~((in the bottle that will be used for feeding the infant))~~.