

WSR 18-09-008
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-57—Filed April 6, 2018, 3:22 p.m., effective April 9, 2018]

Effective Date of Rule: April 9, 2018.

Purpose: Amends recreational salmon rules in Marine Area 6.

Citation of Rules Affected by this Order: Amending WAC 220-313-060.

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: The current projection for landed catch and total Chinook encounters based on dockside sampling is projected to reach or exceed the comanager agreed to Chinook impacts identified in the preseason guideline, therefore it is necessary to close the salmon fishery in Marine Catch Record Card Area 6 effective midnight April 8, 2018. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: April 6, 2018.

James B. Scott, Jr.
 for Joe Stohr
 Director

NEW SECTION

WAC 220-313-06000M Puget Sound salmon—Salt-water seasons and daily limits. Notwithstanding the provisions of WAC 220-313-060, effective April 9, 2018, it is unlawful to fish for or possess salmon in Marine Catch Record Card Area 6.

WSR 18-09-009
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-55—Filed April 6, 2018, 4:31 p.m., effective April 6, 2018, 4:31 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends recreational freshwater fishing rules.

Citation of Rules Affected by this Order: Repealing WAC 220-312-02000X, 220-312-03000N, 220-312-03000M, 220-312-03000Q, 220-312-05000A, 220-312-06000Z, 220-312-06000B, 220-312-01000A, 220-312-02000Y, 220-312-03000R, 220-312-04000E, 220-312-05000B, 220-312-06000C, 220-312-09000A [220-310-09000A], 220-300-16000A and 220-310-08000A; and amending WAC 220-312-010, 220-312-020, 220-312-030, 220-312-040, 220-312-050, 220-312-060, 220-300-160, 220-310-080, and 220-312-090 [220-310-090].

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: These emergency rules are needed to amend recently filed permanent rules (WSR 18-06-045) which were filed on March 1, 2018, by the department and inadvertently took effect April 1, 2018. The effective date needed to be July 1, 2018, to remain consistent with the Washington Sport Fishing Rules Pamphlet.

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 9, Amended 0, Repealed 16.

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: April 6, 2018.

James B. Scott, Jr.
 for Joe Stohr
 Director

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 18-11 issue of the Register.

**WSR 18-09-010
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 18-56—Filed April 6, 2018, 4:35 p.m., effective April 6, 2018, 4:35 p.m.]

Effective Date of Rule: Immediately upon filing.

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 (ESA). 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 220-312-06000Z; 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.

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

Reasons for this Finding: Sets the 2018 spring recreational salmon season in the Columbia River in the area from Buoy 10 upstream to the Oregon/Washington border, and hatchery raised steelhead from Buoy 10 to the 395 bridge. The regulation allows for the retention of shad and hatchery steelhead during days and in areas that are open for hatchery Chinook. ESA impacts for wild fish are available to recreational fisheries in order to access hatchery fish. The fishery is consistent with the *U.S. v. Oregon* Management Agreement and the associated biological opinion. Conforms Washington state rules with Oregon state rules. Regulation is consistent with compact action of February 21, 2018.

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

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: April 6, 2018.

James B. Scott, Jr.
for Joe Stohr
Director

NEW SECTION

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

(1) Salmon and Steelhead:

(a) Effective immediately through May 7, 2018:

(i) Open to fishing for Chinook, coho, or steelhead from the Tower Island power lines in Bonneville Pool (located approximately 6 miles below The Dalles Dam) upstream to the Oregon and Washington border, plus the Washington bank between Bonneville Dam and the Tower Island power lines (except for those waters closed under permanent regulations).

(ii) Daily limit is 6, no more than 2 may be adults of which no more than 1 may be an adult Chinook.

(iii) Release all salmon and steelhead other than adipose clipped fish.

(iv) Salmon minimum size is 12 inches.

(b) Effective immediately through May 15, 2018:

(i) On days and in areas open to fishing for adipose clipped spring Chinook, fishing for adipose fin clipped steelhead from Buoy 10 upstream to the Highway 395 bridge and shad from Buoy 10 to Bonneville Dam (except for those waters closed under permanent regulations) is allowed.

REPEALER

The following section of the Washington Administrative code is repealed effective April 8, 2018:

WAC 220-312-06000Z Exceptions to statewide rules—Columbia River. (17-27)

**WSR 18-09-013
EMERGENCY RULES
BIG BEND
COMMUNITY COLLEGE**

[Filed April 9, 2018, 1:39 p.m., effective April 9, 2018, 1:39 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: To meet requirement of EHB 1595, which enacts new requirements for charging for records under the Public Records Act. This new law took effect on July 23, 2017. This new legislation requires agencies to select one of three methods for charging fees for public records.

BIG BEND COMMUNITY COLLEGE'S (BBCC)
PUBLIC RECORDS FEE SCHEDULE
RCW 42.56.120, [42.56].130; WAC 132R-175-090

INSPECTION	
No fee	Inspection by requestor at BBCC campus.
No fee	Requester accessing or downloading records BBCC posts on its web site.

COPIES*	
15 cents/page	Photocopies of paper records or printed (paper) copies of electronic records (applies if requester asks for paper copies).
10 cents/page	Electronic copy of scanned paper records (applies if paper copies must be scanned in order to produce in electronic format).
5 cents for each 4 electronic files or attachments	Files and attachments uploaded to email or other means of electronic delivery (applies if records are already stored electronically and requestor asks for such records to be provided via email or a digital media storage device, such as a CD or thumb drive).
10 cents per gigabyte	Cost for transmitting records in an electronic format, such as email or a digital media storage device.
Actual cost	Cost of a digital storage media device, such as a CD, DVD, or thumb drive.
Actual cost	Any container or envelope used to mail copies.
Actual cost	Postage or delivery charges.
OTHER COSTS	
Cost varies- per other statutes	Records for which other costs are authorized pursuant to laws outside of chapter 42.56 RCW. RCW 42.56.130.
Customized service charge - varies [varies] depending on the request	If the request requires the use of IT expertise to prepare data compilations or when customized access services are not used by BBCC for BBCC business purposes, BBCC may charge a customized service charge. RCW 42.56.120(3).
Cost varies - actual cost (based upon vendor cost to office)	Records sent to an outside vendor due to their unusual size or format, or other factors making copying by BBCC unfeasible. Mailing/delivery and container costs also apply.
DEPOSITS	

*Charges may be combined to the extent more than one type of charge applies to copies responsive to a particular request. Copy charges are assessed for each installment of records provided to the requester.

**Requestors may ask for an estimate of the cost before asking for records to be produced.

Citation of Rules Affected by this Order: Amending WAC 132R-175-090.

Statutory Authority for Adoption: RCW 28B.50.140.

Other Authority: Chapter 34.05 RCW, Administrative Procedure Act.

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: EHB 1595, which enacts new requirements for charging for records under the Public Records Act. This new law took effect on July 23, 2017. This new legislation requires agencies to select one of three methods for charging fees for 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 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 0, Amended 0, Repealed 0.

Date Adopted: April 6, 2018.

Melinda Dourte
Executive Assistant
to the President

AMENDATORY SECTION (Amending WSR 03-15-063, filed 7/14/03, effective 8/14/03)

WAC 132R-175-090 ((Copying)) Costs of providing copies of public records. The college may charge a reasonable fee for providing public records in response to requests under chapter 42.56 RCW received on or after July 23, 2017.

(1) Pursuant to RCW 42.56.120 (2)(b), Big Bend Community College finds that it is unduly burdensome for the college to calculate the actual costs to provide records due to insufficient resources to conduct a comprehensive study to determine actual costs and the interruption of essential college business that would result from conducting such a comprehensive study.

(2) The college reserves the right to charge fees to the requestor in accordance with the amounts provided in RCW 42.56.120. The college may also use any other method authorized by the Public Records Act for imposing charges for public records including, but not limited to, charging a flat fee, charging a customized service charge, or charging based on a contract, memorandum of understanding, or other agreement with a requestor.

(3) No fee shall be charged for the inspection of public records((The district shall charge a fee of twenty-five cents per page of copy for providing copies of public records and for use of the district copy equipment. This charge is the amount necessary to reimburse the district for its actual costs incident to such copying.)) or locating public documents and making them available for copying, with the exception of the customized service charge allowed in RCW 42.56.120.

(4) The college may waive charges assessed for records when the public records officer determines collecting a fee is not cost effective.

(5) At least five working days may be required to provide copies of public records.

WSR 18-09-016
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-59—Filed April 10, 2018, 9:39 a.m., effective April 29, 2018, 4:48 a.m.]

Effective Date of Rule: April 29, 2018, 4:48 a.m.

Purpose: Amends recreational sturgeon fishing rules in the Columbia River.

Citation of Rules Affected by this Order: Repealing WAC 220-312-06000X; and amending WAC 220-312-060.

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 rule is needed because hatchery-origin white sturgeon residing in Priest Rapids and Wanapum reservoirs since the early 2000s are abundant and have grown to a harvestable size. Removal of these hatchery-origin fish is consistent with ongoing actions to rebuild depressed populations of wild-origin white sturgeon in Priest Rapids and Wanapum reservoirs. 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: April 10, 2018.

James B. Scott, Jr.
for Joe Stohr
Director

NEW SECTION

WAC 220-312-06000E Freshwater exceptions to statewide rules—Columbia River. Notwithstanding the provisions of WAC 220-312-06000C, WAC 220-312-060, WAC 220-316-010, and WAC 220-220-160, the following rules apply effective 4:48 a.m. April 29, 2018, until further notice:

(1) Retention of white sturgeon is prohibited in the Dalles Pool. Catch and release continues to be allowed in the Dalles Pool.

(2) Retention of white sturgeon is prohibited in Bonneville Pool. Catch and release continues to be allowed in Bonneville Pool.

(3) Retention of white sturgeon is prohibited in John Day Pool. Catch and release continues to be allowed in John Day Pool.

(4) From Priest Rapids Dam to Rock Island Dam:

(a) Daily limit 2 white sturgeon between 38 and 72 inches fork length.

(b) No annual harvest limit of white sturgeon.

(c) Anglers are not required to record sturgeon on a catch record card.

(d) Catch and release fishing is allowed after the daily limit has been retained.

(e) Anglers who possess a valid two-pole endorsement may fish for sturgeon with two lines.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 4:48 a.m. April 29, 2018:

WAC 220-312-06000X Freshwater exceptions to statewide rules—Columbia River. (18-16)

WSR 18-09-019
EMERGENCY RULES
DEPARTMENT OF HEALTH

(Pharmacy Quality Assurance Commission)

[Filed April 10, 2018, 2:00 p.m., effective April 10, 2018, 2:00 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: WAC 246-887-134 Adding fentanyl derivatives not approved by the Food and Drug Administration (FDA), synthetic cannabinoids, synthetic cathinones, and synthetic opioids to Schedule I, the pharmacy quality assurance commission (commission) is adopting a new section of rule to add fentanyl derivatives not approved by the FDA, synthetic cannabinoids, synthetic cathinones, and synthetic opioids to Schedule 1 [I] under the Uniform Controlled Substance[s] Act making it illegal to sell, possess, manufacture, or deliver chemicals or products containing these substances. This filing replaces and supersedes emergency rules filed as WSR 18-01-050 filed on December 12, 2017. The requirements of this third emergency rule are the same as the requirements filed in previous emergency rule.

Citation of Rules Affected by this Order: New WAC 246-887-134.

Statutory Authority for Adoption: RCW 69.50.201 and 69.50.203.

Other Authority: RCW 18.64.005(7).

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: RCW 69.50.201(e) allows the commission to schedule substances that pose an imminent hazard to public safety by emergency rule. The substances added in rule present a clear and imminent danger to the public. Health warnings have been issued by a number of state public health departments and national poison control centers listing adverse health outcomes such as chest pains, anxiety, elevated blood pressure, seizures, extreme paranoia, delusions, hallucinations, and dependency. These effects are similar to the effects of some illegal drugs, such as heroin, cocaine, methamphetamine, and ecstasy. In addition, there have been reports of injuries and deaths linked to activities resulting from use of these substances. The commission intends to adopt permanent rules on the sales, possession, manufacture or delivery of chemicals or products containing fentanyl derivatives. The commission plans to file formal proposed rules in mid-2018.

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 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 1, Amended 0, Repealed 0.

Date Adopted: April 10, 2018.

Tim Lynch, PharmD, MS, Chair
Pharmacy Quality Assurance Commission

NEW SECTION

WAC 246-887-134 Adding fentanyl derivatives not approved by the Food and Drug Administration (FDA), synthetic cannabinoids, synthetic cathinones, and synthetic opioids to Schedule I. (1) The Washington state pharmacy quality assurance commission finds the following substances have high potential for abuse and have no medical use in treatment in the United States or they lack accepted safety for use in treatment under medical supervision. The commission, therefore, places each of the following substances in Schedule I.

(2) The controlled substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name, are included in Schedule I.

(a) Fentanyl derivatives not approved by the FDA. Unless specifically excepted or unless listed in another schedule, any of the following fentanyl derivatives, their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(i) Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)

(ii) Butyryl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, also known as N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide)

(iii) Beta-Hydroxythiofentanyl (N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide, also known as N-[1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide, (beta-hydroxythiofentanyl))

(iv) Furanyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide)

(b) Synthetic cannabinoids (Spice) and its derivatives. Unless specifically excepted or unless listed in another schedule, any of the following synthetic cannabinoid derivatives, their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(i) Cannabicyclohexanol, CP-47,497 C8 Homologue (5-(1,1-dimethyloctyl)-2-(3-hydroxycyclohexyl)-phenol)

(ii) MAB-CHMINACA(N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (also known as ADB-CHMINACA)

(iii) UR-144(1-pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone)

(iv) XLR11([1-(5-fluoro-pentyl)-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone) (also known as 5-fluoro-UR-144)

(v) AKB48(N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide) (also known as APINACA)

(vi) PB-22 (quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate) (also known as QUPIC)

(vii) 5F-PB-22(quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (also known as 5-fluoro-PB-22)

(viii) AB-FUBINACA(N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)

(ix) ADB-PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)

(x) AB-PINACA (N-[1-Amino-3-methyl-1-oxo-2-butanyl]-1-pentyl-1H-indazole-3-carboxamide)

(xi) AB-CHMINACA (N-[1-Amino-3-methyl-1-oxo-2-butanyl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)

(xii) THJ-2201([1-(5-Fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone)

(xiii) 5F-ADB (methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate) (also known as 5F-MDMB-PINACA)

(xiv) 5F-AMB (methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate)

(xv) 5F-APINACA (N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide) (also known as 5F-AKB48)

(xvi) ADB-FUBINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)

(xvii) MDMB-CHMICA (methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (also known as MMB-CHMINACA)

(xviii) MDMA-FUBINCACA (methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)

(c) Synthetic cathinones (Bath salts) and its derivatives. Unless specifically excepted or unless listed in another schedule, any of the following synthetic cathinones derivatives, their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (i) 4-MEC (4-methyl-N-ethylcathinone)
- (ii) 4-MePPP (4-methyl-alpha-pyrrolidinopropiophenone)
- (iii) [alpha]-PVP (alpha-pyrrolidinopentiophenone)
- (iv) Pentadone (2-(methylamino)-1-phenylpentan-1-one)
- (v) 4-FMC, Flephedrone (4-fluoro-N-methylcathinone)
- (vi) 3-FMC (3-fluoro-N-methylcathinone)
- (vii) Naphyrone (1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one)
- (viii) [alpha]-PBP (alpha-pyrrolidinobutiophenone)

(d) Synthetic opioids and its derivatives. Unless specifically excepted or unless listed in another schedule, any of the following synthetic opioid derivatives, their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)

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

WSR 18-09-020
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-60—Filed April 10, 2018, 5:08 p.m., effective April 28, 2018]

Effective Date of Rule: April 28, 2018.

Purpose: Amends freshwater recreational rules for Frank's Pond in Chelan County.

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

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 open Frank's Pond in Chelan County to juvenile anglers only. Opening the pond for juvenile anglers will provide an exclusive fishing opportunity. 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: April 10, 2018.

Nate Pamplin
for Joe Stohr
Director

NEW SECTION

WAC 220-312-05000C Freshwater exceptions to statewide rules—Eastside. Notwithstanding the provisions of WAC 220-312-050 and WAC 220-310-09000A, it is unlawful to fish in Frank's Pond (Chelan Co.) except as provided in this section:

(1) Open to juvenile anglers only April 28 through June 30, 2018.

(2) Statewide general rules for daily limits and minimum sizes apply to all fish species.

REPEALER

The following section of the Washington Administrative Code is repealed effective July 1, 2018:

WAC 220-312-05000C Freshwater exceptions to statewide rules—Eastside.

WSR 18-09-024
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-61—Filed April 11, 2018, 10:22 a.m., effective April 18, 2018]

Effective Date of Rule: April 18, 2018.

Purpose: Amends freshwater recreational rules for Sarg Hubbard Park Pond.

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

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 necessary to ensure safe and successful youth fishing events. Five thousand trout will be planted three days prior to the event to acclimate them and assure they bite well. On April 21, 2018, preregistered kids will be allowed to fish during the event. 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: April 10, 2018.

Amy H. Windrope
for Joe Stohr
Director

NEW SECTION

WAC 220-312-05000D Exceptions to statewide rules—Sarg Hubbard Park Pond. Notwithstanding the provisions of WAC 220-312-05000B and WAC 220-312-050, effective 12:01 a.m. April 18, through 4:00 p.m. April 21, 2018, it is unlawful to fish in Sarg Hubbard Park Pond, except as provided in the sections below:

(a) Open to fishing 8:00 a.m. to 4:00 p.m. April 21, 2018, by juvenile anglers participating in the Yakima Greenway Association's "Kids' Fish-In" event.

(b) The daily limit is reduced to two (2) trout during the youth fishing event.

REPEALER

The following section of the Washington Administrative Code is repealed effective 4:01 p.m. April 21, 2018:

WAC 220-312-05000D Exceptions to statewide rules—
Sarg Hubbard Park Pond.

**WSR 18-09-025
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 18-62—Filed April 11, 2018, 10:25 a.m., effective April 18, 2018]

Effective Date of Rule: April 18, 2018.

Purpose: Amends freshwater recreational rules for Columbia Park Pond.

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

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 necessary to ensure safe and successful youth fishing events in Columbia Park Pond. Five thousand trout will be planted three days prior to the event to acclimate the fish and assure they bite well. During the two events only preregistered kids will be allowed to fish. 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: April 10, 2018.

Amy H. Windrope
for Joe Stohr
Director

NEW SECTION

WAC 220-312-05000E Exceptions to statewide rules—Columbia Park Pond. Notwithstanding the provisions of WAC 220-312-05000B and WAC 220-312-050, effective 12:01 a.m. April 18, through 5:00 p.m. April 21, 2018, it is unlawful to fish in Columbia Park Pond (Kennebec), except as provided in the subsections below:

(1) Open to fishing April 20, 2018, by registered juvenile anglers participating in the "Special Needs Youth Fishing Event".

(2) Open to fishing April 18, 2018, by registered juvenile anglers participating in the "Kids' Fishing Day" event.

(3) The daily limit is three trout during the two youth fishing events.

REPEALER

The following section of the Washington Administrative Code is repealed effective 5:01 p.m. April 21, 2018:

WAC 220-312-05000E Exceptions to statewide rules—
Columbia Park Pond.

WSR 18-09-033
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-63—Filed April 11, 2018, 4:21 p.m., effective April 21, 2018]

Effective Date of Rule: April 21, 2018.

Purpose: Amends freshwater recreational rules for Langlois Lake.

Citation of Rules Affected by this Order: Repealing WAC 220-312-04000F; and amending WAC 220-312-040.

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: Langlois Lake is being opened for one day of fishing to provide angling opportunity for Project Healing Waters which is dedicated to the physical and emotional rehabilitation of disabled active military service personnel and disabled veterans through fishing. 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: April 11, 2018.

Amy H. Windrope
for Joe Stohr
Director

NEW SECTION

WAC 220-312-04000F Freshwater exceptions to statewide rules—Langlois Lake. Notwithstanding the provisions of WAC 220-312-04000E and WAC 220-312-040, effective 5:09 a.m. through 8:06 p.m. on April 21, 2018, it is

permissible for anglers participating in the Project Healing Waters fishing event to fish in the waters of Langlois Lake. Statewide size and daily limits apply.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 8:07 p.m. April 21, 2018:

WAC 220-312-04000F Freshwater exceptions to statewide rules—Langlois Lake.

WSR 18-09-041
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-67—Filed April 12, 2018, 2:17 p.m., effective April 12, 2018, 2:17 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational fishing rules for the Skagit and Sauk rivers.

Citation of Rules Affected by this Order: Repealing WAC 220-312-04000G; and amending WAC 220-312-040.

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 the Skagit River Steelhead Fishery Resource Management Plan has received formal federal approval allowing the fishery to proceed. 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: April 12, 2018.

Joe Stohr
Director

NEW SECTION

WAC 220-312-04000G Freshwater exceptions to statewide rules—Puget Sound. Notwithstanding the provisions of WAC 220-312-04000E and WAC 220-312-040, effective immediately through April 29, 2018:

- 1) Skagit River, from The Dalles Bridge in the town of Concrete to the Cascade River Road Bridge in Marblemount:
 - a) Open for gamefish April 14-15; 18-22; and 25-29:
 - I) All species catch and release only, except daily limit two hatchery steelhead and no daily limit for Atlantic Salmon
 - II) Selective Gear Rules in effect
 - III) It is prohibited to fish from a boat that is under power
 - 2) Sauk River, from the mouth to the Sauk Prairie Road Bridge in Darrington:
 - a) Open for gamefish April 14-15; 18-22; and 25-29:
 - I) All species catch and release only, except daily limit two hatchery steelhead and no daily limit for Atlantic Salmon
 - II) Selective Gear Rules in effect
 - III) It is prohibited to fish from a boat equipped with an internal combustion motor

REPEALER

The following section of the Washington Administrative Code is repealed effective April 30, 2018:

WAC 220-312-04000G Freshwater exceptions to statewide rules—Puget Sound.

**WSR 18-09-042
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 18-65—Filed April 12, 2018, 2:21 p.m., effective April 12, 2018, 2:21 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This emergency rule will allow nontreaty commercial fishing opportunities in the Columbia River while protecting fish listed as threatened or endangered under the Endangered Species Act (ESA). This rule 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 220-358-03000N; and amending WAC 220-358-030.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 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: Extends the 2018 winter, spring, and summer select area commercial seasons. Impacts to nonlocal stocks are expected to be minimal and local Chinook stocks reared for the select area sites are available for harvest. The proposed fishing periods provide additional opportunity to access select area spring Chinook as exvessel prices continue to be high. The fishery is consistent with the *U.S. v. Oregon* Management Agreement and the associated biological opinion. Conforms Washington state rules with Oregon state rules. Regulation is consistent with compact action of April 11, 2018. There is insufficient time to promulgate permanent rules.

Washington and Oregon jointly regulate Columbia River fisheries under the congressionally ratified Columbia River Compact. Four Indian tribes have treaty fishing rights in the Columbia River. The treaties preempt state regulations that fail to allow the tribes an opportunity to take a fair share of the available fish, and the states must manage other fisheries accordingly. *Sohappy v. Smith*, 302 F. Supp. 899 (D. Or. 1969). A federal court order sets the current parameters for sharing between treaty Indians and others. *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2008-2017 *United States v. Oregon* Management Agreement (Aug. 12, 2008) (Doc. No. 2546).

Some Columbia River Basin salmon and steelhead stocks are listed as threatened or endangered under the federal ESA. On May 5, 2008, the National Marine Fisheries Service issued a biological opinion under 16 U.S.C. § 1536 that allows for some incidental take of these species in treaty and nontreaty Columbia River fisheries governed by the 2008-2017 *U.S. v. Oregon* Management Agreement. The Washington and Oregon fish and wildlife commissions have developed policies to guide the implementation of such biological opinions in the states' regulation of nontreaty fisheries.

Columbia River nontreaty fisheries are monitored very closely to ensure compliance with federal court orders, ESA, and commission guidelines. Because conditions change rapidly, the fisheries are managed almost exclusively by emergency rule. Representatives from the Washington (WDFW) and Oregon (ODFW) departments of fish and wildlife convene public hearings and take public testimony when considering proposals for new emergency rules. WDFW and ODFW then adopt regulations reflecting agreements reached.

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

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: April 12, 2018.

Joe Stohr
Acting Director

NEW SECTION

WAC 220-358-03000P Columbia River seasons below Bonneville. Notwithstanding the provisions of WAC 220-358-030, WAC 220-358-040, and WAC 220-358-050, it is unlawful for a person to take or possess salmon, sturgeon, and shad for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, 1E and Select Areas, except during the times and conditions listed below:

(1) Tongue Point/South Channel

(a) Dates:

Tongue Point and South Channel open:

Spring Season: 10 PM to 2 AM Thursday night April 19, 2018; and 3 PM to 7 PM Tuesday April 24, 2018; and 5 PM to 9 PM Thursday April 26, 2018; and 7 AM to 7 PM Monday and Thursday nights April 30, 2018 until further notice.

South Channel only open:

Winter Season: 11 PM Thursday April 12 to 3 AM Friday April 13; and 8:30 PM Monday April 16 to 12:30 AM Tuesday April 17

(b) Area:

The winter-spring-summer season Tongue Point Select Area is defined as those waters of the Columbia River bounded by a line from a point at the end of the southernmost (upstream) pier (Pier #1) at the Tongue Point Job Corps facility projecting in a straight line from through flashing red USCG light "6" to the shore of Mott Island, a line from a regulatory marker at the southeast end of Mott Island northeasterly to a regulatory marker on the northwest shore of Lois Island, and a line from a regulatory marker (located at 46.18270 degrees N, -123.74313 degrees W) on the Oregon shore 500 feet north of the railroad bridge crossing the John Day River projecting easterly to a regulatory marker on Lois Island.

The South Channel Select Area is defined as those waters of South Channel bounded by a line from a regulatory marker on the Oregon shore at John Day point projecting northeasterly to a regulatory marker on Lois Island, and a line from a regulatory marker on Settler Point projecting northwesterly to the flashing red USCG light "10" then westerly to the eastern tip of Burnside Island..

(c) Gear: Gillnets.

Winter season: 7-inch minimum mesh size restriction

Spring and Summer seasons: 9 3/4-inch maximum mesh size restriction

In Tongue Point, gear is restricted to a maximum net length of 250 fathoms and weight not to exceed two pounds on any one fathom.

In South Channel, gear is restricted to a maximum net length of 250 fathoms and no weight restriction on leadline. Use of additional weights and/or anchors attached

directly to the leadline is allowed. Nets not specifically authorized for use in these areas may be onboard a vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(d) Miscellaneous:

Permanent regulations including rules related to transportation and lighted buoys remain in effect.

24-hour quick reporting required for Washington buyers, pursuant to WAC 220-352-180.

(2) Blind Slough/Knappa Slough Select Area

(a) Dates: Winter Season:

Spring Season: Open 7 PM to 7 AM Tuesday and Thursday nights from April 19-27; and 7 PM to 7 AM Monday, Wednesday, and Thursday nights from April 30, through June 15, 2018, until further notice.

(3) Blind Slough only Select Area

(a) Dates: 7 PM Thursday April 12 to 7 AM Friday April 13; and 7 PM Monday April 16 to 7 AM Tuesday April 17

(b) Area: Winter season:

The Blind Slough Select Area is defined as those waters of Blind Slough and Gnat Creek from a north-south line formed by regulatory markers at the mouth of Blind Slough to a regulatory marker in Gnat Creek located approximately 0.5 miles southeasterly (upstream) of the Barendse Road Bridge.

The Knappa Slough Select Area is defined as those waters of Knappa Slough, Calendar Slough, and Big Creek Slough bounded to the north (upstream) by a line projecting from a regulatory marker on the eastern shore of Karlson Island to the northernmost regulatory marker at the mouth of Blind Slough and bounded to the west (downstream) by a north-south line projecting through the easternmost tip of Minaker Island and markers on Karlson Island the Oregon shore. The area within a 100-foot radius of the mouth of Big Creek is closed.

Beginning April 30, the lower boundary of the Knappa Slough Select Area is extended downstream to a boundary line projecting southerly from a regulatory marker on the southwestern tip of Karlson Island through markers on the western tips of Minaker Island to a marker on the Oregon shore (fall boundary).

(c) Gear: Gillnets. Winter season: 7-inch minimum mesh. Spring Season:

Nets restricted to 100 fathoms in length with no weight restriction on leadline. Use of additional weights and/or anchors attached directly to the leadline is allowed. Nets not specifically authorized for use in these areas may be onboard a vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. .

(d) Miscellaneous: Permanent transportation rules in effect. In accordance with WACs 220-352-040 (1)(i) and 220-301-010 (9)(a-b), commercial fishers are expected, and fish dealers are required, to report landings for winter-summer fisheries in Knappa Slough and Blind Slough separately using appropriate zone codes. Fish dealers are requested to

keep landings from these two sites separate to aid in sampling.

(3) Allowable Possession: Salmon and shad. Retention and sale of sturgeon is prohibited.

(4) 24-hour quick reporting is in effect for Washington buyers (WAC 220-352-180)). Permanent transportation rules in effect.

(5) Multi-Net Rule: Nets not specifically authorized for use in these areas may be onboard a vessel if properly stored (WAC 220-358-030(2)).

(6) Lighted Buoys: Nets that are fished at any time between official sunset and official sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat. If the net is attached to the boat, then one lighted buoy on the opposite end of the net from the boat is required.

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

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-358-02000N Columbia River seasons below Bonneville. (18-50)

Joe Stohr
Director

WSR 18-09-044
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-66—Filed April 12, 2018, 2:24 p.m., effective April 12, 2018, 2:24 p.m.]

Effective Date of Rule: Immediately upon filing.

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 (ESA). 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 220-312-06000D; 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.

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 provides additional recreational angling opportunity while taking a conservative approach as more information about spring Chinook run size comes available. ESA impacts for wild fish are available to recreational fisheries in order to access hatchery fish. The fishery is consistent with the *U.S. v. Oregon* Management Agreement and the associated biological opinion. This action conforms Washington state rules with Oregon state rules and is consistent with the compact action of April 11, 2018. There is insufficient time to promulgate permanent rules.

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

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: April 12, 2018.

NEW SECTION

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

(1) Salmon and Steelhead:

(a) Effective April 14, 2018

(i) Open for boat and bank fishing for Chinook, coho, or steelhead from a true north-south line through Buoy 10 to Beacon Rock, plus bank angling only from Beacon Rock upstream to the Bonneville Dam deadline.

(ii) Legal upstream boat boundary defined as: A deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse One) in a straight line through the western tip of Pierce Island to a deadline marker on the Washington bank at Beacon Rock.

(iii) Daily limit 6, no more than 2 may be adults of which no more than 1 may be an adult Chinook.

(iv) Release all salmon and steelhead other than adipose clipped fish.

(v) Salmon minimum length is 12 inches.

(b) Effective immediately through May 7, 2018:

(i) Open to fishing for Chinook, coho, or steelhead from the Tower Island power lines in Bonneville Pool (located approximately 6 miles below The Dalles Dam) upstream to the Oregon and Washington border, plus the Washington bank between Bonneville Dam and the Tower Island power

lines (except for those waters closed under permanent regulations).

(ii) Daily limit is 6, no more than 2 may be adults of which no more than 1 may be an adult Chinook.

(iii) Release all salmon and steelhead other than adipose clipped fish.

(iv) Salmon minimum size is 12 inches.

(c) Effective immediately through May 15, 2018:

(i) On days and in areas open to fishing for adipose clipped spring Chinook, fishing for adipose fin clipped steelhead from Buoy 10 upstream to the Highway 395 bridge and shad from Buoy 10 to Bonneville Dam (except for those waters closed under permanent regulations) is allowed.

REPEALER

The following section of the Washington Administrative code is repealed:

WAC 220-312-06000D Exceptions to statewide rules—Columbia River. (18-56)

WSR 18-09-053

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 18-69—Filed April 13, 2018, 2:34 p.m., effective April 13, 2018, 2:34 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends recreational bottomfish possession limits.

Citation of Rules Affected by this Order: Amending WAC 220-314-020.

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 to allow additional harvest of canary rockfish as there is sufficient federally established harvest quota available. This rule will provide for additional recreational angling opportunity. 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: April 13, 2018.

Joe Stohr
Director

NEW SECTION

WAC 220-314-02000C Possession limits—Bottomfish. Notwithstanding the provisions of WAC 220-314-020, it is unlawful to violate the provisions, provided that unless otherwise amended, all permanent rules remain in effect:

(1) In Catch Record Card Areas 1 through 3, and 4 west of the Bonilla-Tatoosh line:

(a) Daily limit three flatfish (except Pacific halibut).

(b) Flatfish do not count as part of the aggregate bottomfish daily limit.

(2) In Catch Record Card Areas 1 and 2: two canary rockfish may be retained as part of the rockfish daily limit.

WSR 18-09-055

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 18-58—Filed April 13, 2018, 3:05 p.m., effective April 13, 2018, 3:05 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends recreational harvest rules for razor clams.

Citation of Rules Affected by this Order: Repealing WAC 220-330-16000P; and amending WAC 220-330-160.

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 recreational razor clam season. Survey results show that adequate clams are available for harvest in Razor Clam Areas 1, 3, 4 and 5 for recreational harvest. Washington department of health has certified clams from this beach to be safe for human consumption. Razor clam beaches are closed by permanent rules unless opened by an emergency rule. 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: April 13, 2018.

Joe Stohr
Director

NEW SECTION

WAC 220-330-16000P Razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-330-160, it is unlawful to take, dig for or possess razor clams taken for personal use from any beaches in any razor clam area except as provided for in this section:

(1) Effective 12:01 a.m. April 21, 2018 through 11:59 a.m. April 22, 2018, razor clam digging is permissible in Razor Clam Area 1. Digging is permissible from 12:01 a.m. to 11:59 a.m. each day only.

(2) Effective 12:01 a.m. April 21, 2018 through 11:59 a.m. April 22, 2018, razor clam digging is permissible in Razor Clam Area 3. Digging is permissible from 12:01 a.m. to 11:59 a.m. each day only.

(3) Effective 12:01 a.m. April 21, 2018 through 11:59 a.m. April 21, 2018, razor clam digging is permissible in Razor Clam Area 4. Digging is permissible from 12:01 a.m. to 11:59 a.m. each day only.

(4) Effective 12:01 a.m. April 19, 2018 through 11:59 a.m. April 22, 2018, razor clam digging is permissible in Razor Clam Area 5. Digging is permissible from 12:01 a.m. to 11:59 a.m. each day only.

(5) On April 21 in Razor Clam Areas 3, 4, and 5 digging hours will be extended to 1:00 p.m.

(6) On April 22 Razor Clam Areas 1, 3 and 5 digging hours will be extended to 2:00 p.m.

(7) It is unlawful to dig for razor clams at any time in the Twin Harbors and Copalis Beach Clam sanctuaries defined in WAC 220-320-130.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. April 22, 2018:

WAC 220-330-16000P Razor clams—Areas and seasons.

**WSR 18-09-056
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 18-68—Filed April 13, 2018, 3:57 p.m., effective April 13, 2018, 3:57 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational fishing rules for white sturgeon on the Columbia River.

Citation of Rules Affected by this Order: Repealing WAC 220-312-06000X and 220-312-06000E; and amending WAC 220-312-060.

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 allow a limited harvest of sturgeon in the estuary and to allow the summer sturgeon retention season in the Bonneville Pool, The Dalles Pool, and adjacent tributaries. This rule will provide for additional angling opportunity. 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: April 13, 2018.

Joe Stohr
Director

NEW SECTION

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

(1) From Buoy 10 upstream to Wauna powerlines, including Youngs Bay, and all adjacent Washington tributaries:

(a) It is permissible to retain white sturgeon on the following dates: May 14, May 16, May 19, May 21, May 23, May 26, May 28, May 30, June 2, and June 4, 2018.

(i) The daily limit of white sturgeon is one fish between 44-inches minimum and 50-inches maximum fork length.

(ii) Closed to angling for sturgeon at 2:00 p.m. daily on dates open to sturgeon retention.

(b) Catch and release angling is permissible on days not open to sturgeon retention.

(2) From Bonneville Dam to Dalles Dam, including adjacent tributaries:

(a) Retention of white sturgeon is prohibited, except it is permissible to retain white sturgeon from 1 hour before official sunrise to 1 hour after official sunset June 15, 2018.

(i) On days open for sturgeon retention the daily limit of white sturgeon is one fish between 38-inches minimum and 54-inches maximum fork length.

(ii) Catch and release angling is permissible on days not open to sturgeon retention.

(3) From The Dalles Dam to John Day Dam, including adjacent tributaries:

(a) Retention of white sturgeon is prohibited, except it is permissible to retain white sturgeon from 1 hour before official sunrise to 1 hour after official sunset June 15, 2018.

(i) On days open for sturgeon retention the daily limit of white sturgeon is one fish between 44-inches minimum and 54-inches maximum fork length.

(ii) Catch and release angling is permissible on days not open to sturgeon retention.

(4) From John Day Dam to McNary Dam:

(a) Retention of white sturgeon is prohibited.

(b) Catch and release angling is permissible on days not open to sturgeon retention.

(5) From Priest Rapids Dam to Rock Island Dam; effective 4:48 a.m. April 29, 2018 until further notice:

(a) Daily limit 2 white sturgeon between 38 and 72 inches fork length.

(b) No annual harvest limit of white sturgeon.

(c) Anglers are not required to record sturgeon on a catch record card.

(d) Catch and release fishing is allowed after the daily limit has been retained.

(e) Anglers who possess a valid two-pole endorsement may fish for sturgeon with two lines.

(6) 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.

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

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-312-06000X Freshwater exceptions to statewide rules—Columbia River. (18-16)

WAC 220-312-06000E Freshwater exceptions to statewide rules—Columbia River. (18-59)

WSR 18-09-076

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 18-64—Filed April 17, 2018, 11:02 a.m., effective May 10, 2018]

Effective Date of Rule: May 10, 2018.

Purpose: Amends recreational fishing rules for South Lewis County Park Pond.

Citation of Rules Affected by this Order: Repealing WAC 220-312-03000S; and amending WAC 220-312-030.

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 rule change is necessary to ensure a successful kid's fishing event. Several thousand rainbow trout will be stocked in South Lewis County Park Pond two days prior to the event to acclimate them to ensure they will bite while the kids are fishing. During the event, only registered kids will be allowed to fish. 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: April 17, 2018.

Amy H. Windrope
for Joe Stohr
Director

NEW SECTION

WAC 220-312-03000S Exceptions to statewide rules—South Lewis County Park Pond. Notwithstanding the provisions of WAC 220-312-03000R and WAC 220-312-030, effective 12:01 a.m. May 10 through 2:00 p.m. May 12, 2018, it is unlawful to fish in South Lewis County Park Pond, except as provided below:

Open to fishing 8:00 a.m. to 1:00 p.m. May 12, 2018, by juvenile anglers participating in the kids fishing event.

REPEALER

The following section of the Washington Administrative Code is repealed effective 2:01 p.m. May 12, 2018:

WAC 220-312-03000S Exceptions to statewide rules—
South Lewis County Park Pond.

WSR 18-09-081
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-70—Filed April 17, 2018, 2:12 p.m., effective April 20, 2018]

Effective Date of Rule: April 20, 2018.

Purpose: Amends recreational fishing rules for the Snake River.

Citation of Rules Affected by this Order: Amending WAC 220-312-050.

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: Based on the preseason prediction for a relatively good return of spring Chinook and angler input requesting an emphasis for a longer fishery season, Snake River fisheries in each of these zones are open for only two days per week with a daily limit of only one adult hatchery Chinook. The restrictions on the fishery help prolong the duration of the season, ensure sharing of fishing opportunities with upriver fishery zones, and enables managers to ensure that the fisheries comply with Endangered Species Act restrictions and harvest allocations available for the Snake River.

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: April 17, 2018.

Amy H. Windrope
for Joe Stohr
Director

NEW SECTION

WAC 220-312-05000F Freshwater exceptions to statewide rules—Snake River. Notwithstanding the provisions of WAC 220-312-05000B, WAC 220-312-050 and WAC 220-313-010:

(1) Effective April 20, 2018, until further notice, a person may fish for and possess salmon in waters of the Snake River from the South Bound Highway 12 Bridge at Pasco upstream about 7 miles to the fishing restriction boundary below Ice Harbor Dam. Open Friday and Saturday each week. Daily limit of six hatchery Chinook, of which not more than one may be an adult Chinook. Minimum size for Chinook is 12 inches in length.

(a) All Chinook with the adipose fin intact, and all steelhead, must be released immediately, unharmed.

(b) Hooks must be barbless when fishing for all species during times and in locations open for salmon fishing and retention, and only single barbless hooks are allowed when fishing for sturgeon.

(c) It is unlawful to use any hook larger than 5/8-inch (point of hook to shank) for all species except sturgeon.

(d) Night closure is in effect for salmon and sturgeon.

(e) For all areas open for Chinook, anglers must cease fishing for Chinook when the adult limit has been retained for the day.

(2) Effective April 22, 2018, until further notice, a person may fish for and possess salmon in the following waters of the Snake River from Texas Rapids boat launch (south side of the river approximately 3.5 miles upstream of the mouth of Tucannon River) to the fishing restriction boundary below Little Goose Dam. Minimum size for Chinook is 12 inches in length. This zone includes the area between the juvenile bypass return pipe and Little Goose Dam along the south shoreline of the facility (includes the walkway area locally known as "the wall" in front of the juvenile collection facility). Open Sunday and Monday each week. Daily limit of six hatchery Chinook, of which not more than one may be an adult Chinook.

(a) All Chinook with the adipose fin intact, and all steelhead, must be released immediately, unharmed.

(b) Hooks must be barbless when fishing for all species during times and in locations open for salmon fishing and retention, and only single barbless hooks are allowed when fishing for sturgeon.

(c) It is unlawful to use any hook larger than 5/8-inch (point of hook to shank) for all species except sturgeon.

(d) Night closure is in effect for salmon and sturgeon.

(e) For all areas open for Chinook, anglers must cease fishing for Chinook when the adult limit has been retained for the day.

(3) Effective April 22, 2018, until further notice, a person may fish for and possess salmon in the following waters of the Snake River from the downstream edge of the large power lines crossing the Snake River (just upstream from the West Evans Road on the south shore) upstream about 3.5 miles to the Washington state line (from the east levee of the Greenbelt boat launch in Clarkston northwest across the Snake River to the WA/ID boundary waters marker on the Whitman County shore). Open Sunday and Monday each week. Daily limit of six hatchery Chinook, of which not more

than one may be an adult Chinook. Minimum size for Chinook is 12 inches in length.

(a) All Chinook with the adipose fin intact, and all steelhead, must be released immediately, unharmed.

(b) Hooks must be barbless when fishing for all species during times and in locations open for salmon fishing and retention, and only single barbless hooks are allowed when fishing for sturgeon.

(c) It is unlawful to use any hook larger than 5/8-inch (point of hook to shank) for all species except sturgeon.

(d) Night closure is in effect for salmon and sturgeon.

(e) For all areas open for Chinook, anglers must cease fishing for Chinook when the adult limit has been retained for the day.

(f) Anglers may possess 1 daily limit in fresh form in addition to the 2 daily limits in fresh form allowed by permanent rule.

WSR 18-09-082
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-75—Filed April 17, 2018, 2:14 p.m., effective May 1, 2018, 6:00 a.m.]

Effective Date of Rule: May 1, 2018, 6:00 a.m.

Purpose: Amends Puget Sound commercial shrimp rules.

Citation of Rules Affected by this Order: Amending WAC 220-340-520, 220-340-030, and 220-352-180.

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: The 2018 state/tribal shrimp harvest management plans for the Strait of Juan de Fuca and Puget Sound require adoption of harvest seasons contained in this emergency rule. This emergency rule (1) opens the Region 1 and 3 trawl fishery season; (2) opens the pot fishery season for nonspot shrimp with weekly harvest limits; and (3) reflects changes to the shrimp catch reporting and purchase reporting requirements. 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 3, 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: April 17, 2018.

Amy H. Windrope
for Joe Stohr
Director

NEW SECTION

WAC 220-340-52000N Puget Sound shrimp pot and trawl fishery—Season. Notwithstanding the provisions of WAC 220-340-520, effective 6:00 a.m. May 1, 2018, until further notice, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

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

(i) All waters of Marine Fish/Shellfish Management and Catch Reporting Area (Catch Area) 23A-E, 23A-W, 23A-C and the Discovery Bay Shrimp District are closed.

(ii) In Catch Area 22A, all waters inside and bounded by a line projected from Blakely Marina on the northwest corner of Blakely Island to Upright Head on Lopez Island, following the shoreline southerly on Lopez Island to intersect a line projected due west from Bald Bluff on Blakely Island, are closed until 6:00 a.m. June 16, 2018.

(b) Effective immediately, until 11:59 p.m. May 8, 2018, it is unlawful for the combined total harvest of non-spot shrimp by a fisher or the fisher's alternate operator to exceed 600 pounds from Shrimp Management Areas 1A, 1B, 1C, 2E and 2W combined.

(c) Effective 12:01 a.m. May 9, 2018, until further notice, it is unlawful for the combined total harvest of non-spot shrimp by a fisher or the fisher's alternate operator to exceed 600 pounds per week from Shrimp Management Areas 1A, 1B, 1C, 2E and 2W combined.

(d) Effective 12:01 May 9, 2018, until further notice, the shrimp catch accounting week is Wednesday through Tuesday.

(e) It is unlawful to pull shellfish pots in more than one catch area per day.

(2) Shrimp trawl gear:

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

(b) That portion of Catch Area 22A within SMA 1B east of a line projected 122.47°W longitude and west of a line projected 122.43°W longitude in Rosario Strait is open.

(c) That portion of Catch Area 22A within SMA 1B is open effective 6:00 a.m. May 16, 2018, until further notice.

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

NEW SECTION

WAC 220-340-03000B Shellfish harvest logs. Notwithstanding the provisions of WAC 220-340-030, effective immediately, until further notice, it is unlawful for vessel operators engaged in commercial harvest of shrimp from Puget Sound with shellfish pot gear to fail to report their daily catch by text message, e-mail or FAX to WDFW by 10:00 a.m. the day after the shrimp are harvested. Text message and e-mail daily catch reports must be submitted to shrimpreport@dfw.wa.gov, and FAX reports must be transmitted to FAX number 360-302-3031. Daily catch reports must include the following information as it is recorded on the fish receiving ticket: fisher name, buyer name, pounds landed per shrimp species, catch area, date of harvest, date of sale, and complete fish ticket serial number, including the first alphanumeric letter. If the fish receiving ticket is faxed as the daily harvest report, the date of harvest must be recorded on the bottom half of the ticket.

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.

NEW SECTION

WAC 220-352-18000E Duties of commercial purchasers and receivers. Notwithstanding the provisions of WAC 220-352-180, effective immediately until further notice, it is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound to fail to report in the following manner:

(1) For Puget Sound shrimp - Pot gear: All buyers of shrimp taken by pot gear (including fishers who buy their own catch) are no longer required to report the previous week's purchases by phone or FAX.

(2) Puget Sound shrimp - Trawl gear: All buyers of shrimp taken by trawl gear (including fishers who buy their own catch) must report the previous day's purchases by 10:00 a.m. the following morning. Reports must be made by text message, e-mail or FAX. Text message and e-mail reports must be submitted to shrimpreport@dfw.wa.gov, and FAX reports must be transmitted to FAX number 360-302-3031. Reports must include dealer name, fisher name, pounds sold per shrimp species, catch area, date sold, and the complete fish ticket serial number, including the first alphanumeric letter. Violation of this subsection is a gross misdemeanor, punishable under RCW [77.15.560](#).

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.

Purpose: This emergency rule will allow nontreaty commercial fishing opportunities in the Columbia River while protecting fish listed as threatened or endangered under the Endangered Species Act (ESA). This rule 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 220-358-03000P; and amending WAC 220-358-030.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 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: Extends the 2018 winter, spring, and summer select area commercial seasons. Impacts to nonlocal salmon stocks are expected to be minimal and local Chinook stocks reared for the select area sites are available for harvest. The proposed fishing periods provide additional opportunity to access select area spring Chinook as exvessel prices continue to be high, as well as additional opportunity to harvest white sturgeon. For years when white sturgeon retention is allowed downstream of Bonneville Dam, current commission guidance on white sturgeon management assumes twenty percent of harvest assigned to commercial fisheries. The fishery is consistent with the *U.S. v. Oregon* Management Agreement and the associated biological opinion. Conforms Washington state rules with Oregon state rules. Regulation is consistent with compact actions of January 30, 2018 [2018] and April 12, 2018. There is insufficient time to promulgate permanent rules.

Washington and Oregon jointly regulate Columbia River fisheries under the congressionally ratified Columbia River Compact. Four Indian tribes have treaty fishing rights in the Columbia River. The treaties preempt state regulations that fail to allow the tribes an opportunity to take a fair share of the available fish, and the states must manage other fisheries accordingly. *Sohappy v. Smith*, 302 F. Supp. 899 (D. Or. 1969). A federal court order sets the current parameters for sharing between treaty Indians and others. *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2008-2017 *United States v. Oregon* Management Agreement (Aug. 12, 2008) (Doc. No. 2546).

Some Columbia River Basin salmon and steelhead stocks are listed as threatened or endangered under the federal ESA. On May 5, 2008, the National Marine Fisheries Service issued a biological opinion under 16 U.S.C. § 1536 that allows for some incidental take of these species in treaty and nontreaty Columbia River fisheries governed by the

WSR 18-09-083
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-71—Filed April 17, 2018, 2:20 p.m., effective April 19, 2018]

Effective Date of Rule: April 19, 2018.

2008-2017 *U.S. v. Oregon* Management Agreement. The Washington and Oregon fish and wildlife commissions have developed policies to guide the implementation of such biological opinions in the states' regulation of nontreaty fisheries.

Columbia River nontreaty fisheries are monitored very closely to ensure compliance with federal court orders, ESA, and commission guidelines. Because conditions change rapidly, the fisheries are managed almost exclusively by emergency rule. Representatives from the Washington (WDFW) and Oregon (ODFW) departments of fish and wildlife convene public hearings and take public testimony when considering proposals for new emergency rules. WDFW and ODFW then adopt regulations reflecting agreements reached.

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

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: April 16, 2018.

Amy H. Windrope
for Joe Stohr
Director

NEW SECTION

WAC 220-358-03000Q Columbia River seasons below Bonneville. Notwithstanding the provisions of WAC 220-358-030, WAC 220-358-040, and WAC 220-358-050, it is unlawful for a person to take or possess salmon, sturgeon, and shad for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, 1E and Select Areas, except during the times and conditions listed below:

(1) Tongue Point/South Channel

(a) Dates:

Tongue Point and South Channel open:

Spring Season: 10 PM to 2 AM Thursday night April 19, 2018; and 3 PM to 7 PM Tuesday April 24, 2018; and 5 PM to 9 PM Thursday April 26, 2018; and 7 AM to 7 PM Monday and Thursday nights from April 30, 2018 through June 29, 2018.

South Channel only open:

Winter Season: 8:30 PM Monday April 16 to 12:30 AM Tuesday April 17.

(b) Area:

The winter-spring-summer season Tongue Point Select Area is defined as those waters of the Columbia River bounded by a line from a point at the end of the southern-

most (upstream) pier (Pier #1) at the Tongue Point Job Corps facility projecting in a straight line from through flashing red USCG light "6" to the shore of Mott Island, a line from a regulatory marker at the southeast end of Mott Island northeasterly to a regulatory marker on the northwest shore of Lois Island, and a line from a regulatory marker (located at 46.18270 degrees N, -123.74313 degrees W) on the Oregon shore 500 feet north of the railroad bridge crossing the John Day River projecting easterly to a regulatory marker on Lois Island.

The South Channel Select Area is defined as those waters of South Channel bounded by a line from a regulatory marker on the Oregon shore at John Day point projecting northeasterly to a regulatory marker on Lois Island, and a line from a regulatory marker on Settler Point projecting northwesterly to the flashing red USCG light "10" then westerly to the eastern tip of Burnside Island..

(c) Gear: Gillnets.

Winter season: 7-inch minimum mesh size restriction

Spring and Summer seasons: 9 3/4-inch maximum mesh size restriction

In Tongue Point, gear is restricted to a maximum net length of 250 fathoms and weight not to exceed two pounds on any one fathom.

In South Channel, gear is restricted to a maximum net length of 250 fathoms and no weight restriction on leadline. Use of additional weights and/or anchors attached directly to the leadline is allowed. Nets not specifically authorized for use in these areas may be onboard a vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(d) Miscellaneous:

Permanent regulations including rules related to transportation and lighted buoys remain in effect.

24-hour quick reporting required for Washington buyers, pursuant to WAC 220-352-180.

(2) Blind Slough/Knappa Slough Select Area

(a) Dates: Winter Season:

Spring Season: Open 7 PM to 7 AM Tuesday and Thursday nights from April 19-27; and 7 PM to 7 AM Monday, Wednesday, and Thursday nights from April 30, through June 15, 2018.

(3) Blind Slough only Select Area

(a) Dates: 7 PM Monday April 16 to 7 AM Tuesday April 17

(b) Area: Winter season:

The Blind Slough Select Area is defined as those waters of Blind Slough and Gnat Creek from a north-south line formed by regulatory markers at the mouth of Blind Slough to a regulatory marker in Gnat Creek located approximately 0.5 miles southeasterly (upstream) of the Barendse Road Bridge.

The Knappa Slough Select Area is defined as those waters of Knappa Slough, Calendar Slough, and Big Creek Slough bounded to the north (upstream) by a line projecting from a regulatory marker on the eastern shore of Karlson Island to the northernmost regulatory marker at the mouth of Blind Slough and bounded to the west (downstream) by a

north-south line projecting through the easternmost tip of Minaker Island and markers on Karlson Island the Oregon shore. The area within a 100-foot radius of the mouth of Big Creek is closed.

Beginning April 30, the lower boundary of the Knappa Slough Select Area is extended downstream to a boundary line projecting southerly from a regulatory marker on the southwestern tip of Karlson Island through markers on the western tips of Minaker Island to a marker on the Oregon shore (fall boundary).

(c) **Gear:** Gillnets. **Winter season:** 7-inch minimum mesh. **Spring Season:**

Nets restricted to 100 fathoms in length with no weight restriction on leadline. Use of additional weights and/or anchors attached directly to the leadline is allowed. Nets not specifically authorized for use in these areas may be onboard a vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. .

(d) **Miscellaneous:** Permanent transportation rules in effect. In accordance with WACs 220-352-040 (1)(i) and 220-301-010 (9)(a-b), commercial fishers are expected, and fish dealers are required, to report landings for winter-summer fisheries in Knappa Slough and Blind Slough separately using appropriate zone codes. Fish dealers are requested to keep landings from these two sites separate to aid in sampling.

(3) **Allowable Possession:** Salmon and shad. Retention and sale of sturgeon is prohibited prior to April 19, 2018. A maximum of two white sturgeon with a fork length of 44-50 inches may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday), effective April 19, 2018. The two white sturgeon possession and sales limit includes all open Select Area fisheries.

(4) **24-hour** quick reporting is in effect for Washington buyers (WAC 220-352-180)). Permanent transportation rules in effect.

(5) **Multi-Net Rule:** Nets not specifically authorized for use in these areas may be onboard a vessel if properly stored (WAC 220-358-030(2)).

(6) **Lighted Buoys:** Nets that are fished at any time between official sunset and official sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat. If the net is attached to the boat, then one lighted buoy on the opposite end of the net from the boat is required.

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

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-358-02000P Columbia River seasons below Bonneville. (18-65)

Reviser's note: The repealer section above appears as filed by the agency pursuant to RCW 34.08.040; however the reference to WAC 220-358-02000P is probably intended to be WAC 220-358-03000P.

WSR 18-09-094 EMERGENCY RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed April 17, 2018, 3:56 p.m., effective April 20, 2018]

Effective Date of Rule: April 20, 2018.

Purpose: The purpose of this emergency rule is to establish a definition of absence in public schools that is in line with the federal definition.

Citation of Rules Affected by this Order: New chapter 392-401 WAC; and repealing WAC 392-400-325.

Statutory Authority for Adoption: RCW 28A.300.046.

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: Under the agency's current rule, school districts are required to report all school-related activities to the state as excused absences, including school field trips. That definition does not align with the definition of absence set by the United States Department of Education for federal public education data reporting purposes. The immediate adoption of this emergency rule is necessary to align the state and federal reporting requirements and provide for consistent data collection before the start of the 2017-18 school year. Clarifying the definition of absence for reporting purposes will help ensure that student absences for activities that are a part of the student's scheduled instructional school day do not contribute to the school's chronic absenteeism rates.

Public hearings regarding a permanent rule were held on October 31, 2017 (WSR 17-17-167) and April 11, 2018 (WSR 18-06-104). The office of superintendent of public instruction is actively undertaking the appropriate procedures to adopt a permanent rule.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 2, 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 5, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 5, Amended 0, Repealed 1.

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: April 17, 2018.

Chris P. S. Reykdal
State Superintendent
of Public Instruction

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 392-400-325 Statewide definition of excused and unexcused daily absences.

Chapter 392-401 WAC

STATEWIDE DEFINITION OF ABSENCE, EXCUSED AND UNEXCUSED

NEW SECTION

WAC 392-401-005 Purpose. The purpose of this chapter is to provide a definition of absence to districts that supports accurate and consistent attendance data collection across the state. This effort will support the state and districts to address the challenge of chronic absenteeism, in an effort to improve learning outcomes and success in school for all students and to support the whole child.

NEW SECTION

WAC 392-401-010 Authority. The authority for this chapter is RCW 28A.300.046, which requires the superintendent of public instruction to adopt rules establishing a standard definition of student absence from school.

NEW SECTION

WAC 392-401-015 Definition of absent or absence.

- (1) "Absent" or "absence" means a student is:
 - (a) Not physically present on school grounds; and
 - (b) Not participating in instruction or instruction-related activities at an approved off-grounds location for at least fifty percent of the student's scheduled school day.
- (2) Absences due to suspensions, expulsions or emergency expulsions imposed pursuant to chapter 392-400 WAC should be reported as excused absences, unless the student is receiving educational services as required by RCW 28A.600.015 and chapter 392-400 WAC.
- (3) A student who is marked tardy to class is not absent unless the student otherwise meets the criteria for absence provided in WAC 392-401-015(1).

NEW SECTION

WAC 392-401-020 Excused absences. The following are valid excuses for absences from school:

- (1) Participation in a district or school approved activity, that is not instruction-related;
- (2) Illness, health condition or medical appointment (including, but not limited to, medical, counseling, dental or optometry) for the student or person for who the student is legally responsible;

(3) Family emergency including, but not limited to, a death or illness in the family;

(4) Religious or cultural purpose including observance of a religious or cultural holiday or participation in religious or cultural instruction;

(5) Court, judicial proceeding, or serving on a jury;

(6) Post-secondary, technical school or apprenticeship program visitation, or scholarship interview;

(7) State-recognized search and rescue activities consistent with RCW 28A.225.055;

(8) Absence directly related to the student's homeless status;

(9) Absences related to deployment activities of a parent or legal guardian who is an active duty member consistent with RCW 28A.705.010;

(10) Absences due to suspensions, expulsions or emergency expulsions imposed pursuant to chapter 392-400 WAC, unless the student is receiving educational services as required by RCW 28A.600.015 and chapter 392-400 WAC; and

(11) Principal (or designee) and parent, guardian, or emancipated youth mutually agreed upon approved activity.

The school principal (or designee) has the authority to determine if an absence meets the above criteria for an excused absence.

NEW SECTION

WAC 392-401-030 Unexcused absences. Any absence from school is unexcused unless it meets one of the criteria provided in WAC 392-401-015.

WSR 18-09-113 EMERGENCY RULES COMMUNITY COLLEGES OF SPOKANE

[Filed April 18, 2018, 10:24 a.m., effective April 18, 2018, 10:24 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.

The last emergency rules were filed on January 22, 2018, under WSR 18-03-151. Permanent rules, exactly the same as the emergency rules, were adopted on March 20, 2018, and filed April 6, 2018, under WSR 18-09-007. The permanent rules become effective thirty-one days after filing. Therefore, these emergency rules are needed to prevent a gap between when the emergency rules filed January 22, 2018, expire and the permanent rules become effective.

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 pursu-

ant 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-a3ac9ea1cb95/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.