

WSR 18-12-006
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-105—Filed May 23, 2018, 2:37 p.m., effective May 23, 2018, 2:37 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Six incentive deer permits were inadvertently offered, however per WAC 220-412-070 (27)(e), only five permits are available.

Citation of Rules Affected by this Order: Amending WAC 220-412-070.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, and 77.32.090.

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 department policy, we are amending WAC 220-412-070 to be consistent with the number of permits being offered.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: May 23, 2018.

Joe Stohr
 Director

NEW SECTION

WAC 220-412-07000A Big game and wild turkey auction, raffle, and special incentive permits. Notwithstanding the provisions of WAC 220-412-070, effective immediately, until further notice, the change shall read as follows under (27)(e):

Number of permit hunters selected: 6

WSR 18-12-007
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-106—Filed May 23, 2018, 4:59 p.m., effective May 23, 2018, 4:59 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: 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 action provides additional recreational angling opportunity based upon an updated run size of upriver spring Chinook passage at Bonneville Dam that continues to be monitored. 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 May 23, 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 0; Federal Rules or Standards: New 1, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 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: May 23, 2018.

Amy H. Windrope
 for Joe Stohr
 Director

NEW SECTION

WAC 220-312-06000H 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 May 25 through June 6, 2018
 - (i) Open for boat and bank fishing for Chinook, coho, or steelhead from the Tongue Point/Rocky Point line 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 is 6 salmonids, which includes no more than 2 adults, and no more than one adult chinook.
 - (iv) Release all salmon and steelhead other than adipose clipped fish.
 - (v) Salmon minimum length is 12 inches.
- (b) Effective May 25 through June 15, 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 from boat or bank, plus the Washington bank between Bonneville Dam and the Tower Island power lines; hand-casted lines only.
 - (ii) Daily limit is 6 salmonids, which includes no more than 2 adults, and no more than one adult chinook.
 - (iii) Release all salmon and steelhead other than adipose clipped fish.
 - (iv) Salmon minimum size is 12 inches.

**WSR 18-12-021
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 18-101—Filed May 24, 2018, 4:00 p.m., effective May 24, 2018, 4:00 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends harvest rules for hardshell clams and oysters.

Citation of Rules Affected by this Order: Repealing WAC 220-330-11000D and 220-330-14000D; and amending WAC 220-330-110 and 220-330-140.

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: Recent clam and oyster survey data, sport harvest projections, and negotiations affecting intertidal treaty and nontreaty fisheries, along with public

health considerations and administrative tasks, call for recreational clam and oyster seasons to be opened or extended on some public beaches and requires some beaches to be closed, removed, or the seasons shortened. This proposal reflects those openings and closures. This emergency rule is needed until permanent rules take effect which were filed on May 17, 2018, as WSR 18-11-077.

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

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

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

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

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

Date Adopted: May 24, 2018.

Joe Stohr
Director

NEW SECTION

WAC 220-330-11000E Clams other than razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-330-110, effective immediately until further notice, it is unlawful to take, dig for and possess clams, cockles, and mussels taken for personal use from the following public tidelands except during the open periods specified herein:

- (1) Duckabush: Closed until further notice.
- (2) Kopachuck State Park: Open through May 31, 2018.
- (3) Joemma Beach State Park: Closed immediately until further notice.
- (4) Port Townsend Ship Canal/Portage Beach: Open through May 31, 2018.
- (5) West Penn Cove: Closed immediately until further notice.

NEW SECTION

WAC 220-330-14000E Oysters—Areas and seasons. Notwithstanding the provisions of WAC 220-330-140, effective immediately until further notice, it is unlawful to take and possess oysters taken for personal use from the following public tidelands except during the open periods specified herein:

- (1) Duckabush: Closed until further notice.
- (2) Kopachuck State Park: Open through May 31, 2018.
- (3) Joemma Beach State Park: Closed immediately until further notice.
- (4) Port Townsend Ship Canal/Portage Beach: Open through May 31, 2018.
- (5) West Penn Cove: Closed immediately until further notice.

REPEALER

The following sections of the Washington Administrative Code are repealed effective immediately:

WAC 220-330-11000D Clams other than razor clams—
Areas and seasons. (18-13)

WAC 220-330-14000D Oysters—Areas and seasons. (18-13)

WSR 18-12-023
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-108—Filed May 25, 2018, 11:15 a.m., effective May 25, 2018,
11:15 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends commercial salmon troll rules in coastal marine areas.

Citation of Rules Affected by this Order: Repealing WAC 220-354-30000F; and amending WAC 220-354-300.

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 because a limited quota of salmon remains available for the troll fleet in the area north of the Queets River. These rules are adopted at the recommendation of the Pacific Fisheries Management Council, in accordance with preseason fishing plans. 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: May 25, 2018.

Ron Warren
for Joe Stohr
Director

NEW SECTION

WAC 220-354-30000G Coastal salmon troll seasons —Commercial. Notwithstanding the provisions of WAC 220-354-300, effective immediately until further notice, it is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons provided below:

(1) Salmon Management and Catch Reporting Areas 1 and 2 open: May 1 through June 30, 2018.

(2) Salmon Management and Catch Reporting Areas 3, and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open: May 1 through May 27, 2018.

(3) In Washington Catch Reporting Areas 1, 3 and 4, landing and possession limit of 50 Chinook per vessel per landing week, defined as Thursday through Wednesday.

(4) In Washington Catch Reporting Area 2, landing and possession limit of 100 Chinook per vessel per landing week, defined as Thursday through Wednesday.

(5) The Cape Flattery and Columbia River Control Zones are closed. The Mandatory Yelloweye Rockfish Conservation Area is closed.

(6) Minimum size for Chinook salmon is 28 inches in length. No minimum size for pink, sockeye or chum salmon. It is unlawful to possess coho salmon.

(5) Lawful troll gear is restricted to all legal troll gear with single point, single shank barbless hooks.

(6) Fishers must land and deliver their catch within 24 hours of any closure of a fishery provided for in this section. Vessels in possession of salmon north of the Queets River may not cross the Queets River line without first notifying WDFW by phone at (360) 249-1215 or by email at Wendy.Beehley@dfw.wa.gov with Area fished, total Chinook and halibut catch aboard, and destination. Vessels in possession of salmon south of the Queets River may not cross the Queets River line without first notifying WDFW by phone at (360) 249-1215 or by email at Wendy.Beehley@dfw.wa.gov with Area fished, total Chinook and halibut catch aboard, and destination. Vessels fishing or in possession of salmon while fishing north of Leadbetter Point must land and deliver their fish within the area and North of Leadbetter Point. Vessels fishing or in possession of salmon while fishing south of Leadbetter Point must land and deliver their fish within the area and south of Leadbetter Point.

(7) The Cape Flattery Control Zone is defined as the area from Cape Flattery (48°23'00" N latitude) to the northern boundary of the U.S. Exclusive Economic Zone, and the area from Cape Flattery south to Cape Alava, 48°10'00" N latitude, and east of 125°05'00" W longitude.

(8) The Columbia Control Zone is defined as an area at the Columbia River mouth, bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N. Lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09" N. lat., 124°06'16" W. long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat., 124°03'07" W. long, to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°15'48" N. lat., 124°05'20" W. long.), and then along the north jetty to the

point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

(9) The Mandatory Yelloweye Rockfish Conservation Area is defined as the area in Washington Marine Catch Area 3 from 48°00.00'N latitude; 125°14.00'W longitude to 48°02.00'N latitude; 125°14.00'W longitude to 48°02.00'N latitude; 125°16.50'W longitude to 48°00.00'N latitude; 125°16.50'W longitude and connecting back to 48°00.00'N latitude; 125°14.00'W longitude.

(10) It is unlawful to fish in Salmon Management and Catch Reporting Areas 1, 2, 3 or 4 with fish on board taken south of Cape Falcon, Oregon and all fish taken from Salmon Management and Catch Reporting Areas 1, 2, 3, and 4 must be landed before fishing south of Cape Falcon, Oregon.

(11) It is unlawful for wholesale dealers and trollers retailing their fish to fail to report their landing by 10:00 a.m. the day following landing. Ticket information can be telephoned in by calling 1-866-791-1279, faxing the information to (360) 902-2949, or e-mailing to trollfishtickets@dfw.wa.gov. Report the dealer name, the dealer license number, the purchasing location, the date of purchase, the fish ticket numbers, the gear used, the catch area, the species, the total number for each species, and the total weight for each species, including halibut.

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 immediately:

WAC 220-354-30000F Coastal salmon troll seasons—
Commercial. (18-78)

**WSR 18-12-024
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 18-107—Filed May 25, 2018, 11:25 a.m., effective May 25, 2018,
11:25 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational fishing regulations for the Cowlitz, Lewis, White Salmon, and Wind rivers.

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 emergency rule is needed because forecast returns of summer steelhead have improved for 2018, making night closures and reduced daily limits currently unnecessary in the lower reaches of the Cowlitz, Lewis and White Salmon rivers. Additionally, the lower Wind River is typically closed to night angling between March 16 and June 30; this rule change corrects an error in WAC. 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: May 24, 2018.

Joe Stohr
Director

NEW SECTION

WAC 220-312-03000T Freshwater exceptions to statewide rules—Southwest. Notwithstanding the provisions of WAC 220-312-03000R and WAC 220-312-030, effective immediately through June 30, 2018:

(1) Cowlitz River (Cowlitz/Lewis Counties) from the boundary markers at the mouth to Lexington Drive Bidge:

(a) From June 16 through June 30, 2018:

- (i) It is lawful to fish 24 hours/day, except for sturgeon.
- (ii) Steelhead daily limit is 3 hatchery steelhead.

(2) Lewis River (Clark/Cowlitz County):

(a) From the mouth to East Fork:

(i) Salmon:

(A) Daily limit 6, minimum length 12 inches

(B) Only 1 adult salmon may be retained

(C) Release all salmon other than hatchery Chinook

(ii) From June 16 through June 30, 2018:

(A) It is lawful to fish 24 hours/day, except for sturgeon.

(B) Steelhead daily limit is 3 hatchery steelhead.

(b) From the mouth of East Fork to Johnson Creek:

(i) Salmon:

(A) Daily limit 6, minimum length 12 inches

(B) Only 1 adult salmon may be retained

(C) Release all salmon other than hatchery Chinook

(ii) Steelhead daily limit is 3 hatchery steelhead.

(c) From Johnson Creek to the overhead powerlines

below Merwin Dam:

(i) Fishing from a floating device is prohibited.

(ii) Salmon:

(A) Daily limit 6, minimum length 12 inches

(B) Only 1 adult salmon may be retained

- (C) Release all salmon other than hatchery Chinook
- (iii) Steelhead daily limit is 3 hatchery steelhead.
- (3) White Salmon River (Klickitat/Skamania Counties) from mouth to the county road bridge below the former location of the powerhouse:
- (a) From June 16 through June 30, 2018:
- (i) It is lawful to fish 24 hours/day, except for sturgeon
- (ii) Salmon and Steelhead:
- (A) Daily limit is 2 salmon or 2 steelhead or 1 of each.
- (B) Release all wild salmon and wild steelhead.
- (4) Wind River (Skamania County) from the mouth upstream to 400' below Shipherd Falls fish ladder effective immediately through June 30, 2018:
- (a) Night Closure
- (b) Salmon and steelhead:
- (i) Daily limit is 2 salmon or 2 steelhead or 1 of each.
- (ii) Release wild salmon and wild steelhead.

Reviser's note: The spelling 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 immediately:

WAC 220-312-03000S Freshwater exceptions to statewide rules—Southwest. (18-98)

WSR 18-12-025
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-109—Filed May 25, 2018, 3:41 p.m., effective May 25, 2018, 3:41 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational shrimping rules in Puget Sound.

Citation of Rules Affected by this Order: Amending WAC 220-330-070 and 220-330-010.

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 ensure an orderly fishery, manage the fishery within court-ordered sharing requirements, and ensure conservation. Sufficient amounts of spot shrimp remain available in Marine Area 6 to raise the daily bag limit on a trial basis, and in Marine Area 12 sufficient amounts of spot shrimp remain to allow two more day[s] of fishing. In addition, harvestable amounts of nonspot shrimp are available in several marine areas, and the depth restrictions and area closures are in effect

to protect spot shrimp. There is insufficient time to adopt permanent rules.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 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: May 25, 2018.

Ron Warren
for Joe Stohr
Director

NEW SECTION

WAC 220-330-07000I Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-330-070, effective June 1, 2018, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 4 (east of the east of the Bonilla-Tatoosh line), 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, 13 and the Discovery Bay Shrimp District, except as provided for in this section:

(1) Marine Areas 4 (east of the Bonilla-Tatoosh line), 5, 6 (excluding the Discovery Bay Shrimp District) and 7 West are open to the harvest of all shrimp species.

(2) All waters equal to or less than 200 feet in depth in Marine Area 7 East are open to the harvest of all shrimp species except spot shrimp. All spot shrimp caught must be immediately returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 200 feet deep.

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

(4) All waters equal to or less than 250 feet in depth in Marine Area 13 are open to the harvest of all shrimp species except spot shrimp. All spot shrimp caught must be immediately returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 250 feet deep.

(5) Marine Area 12: Open June 6 and June 9, 2018, from 9:00 a.m. through 1:00 p.m.

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.

NEW SECTION

WAC 220-330-01000D Shellfish—Daily limits. Notwithstanding the provisions of WAC 220-330-010, effective June 1, 2018, until further notice, in Marine Area 6 it is permissible for any one person to take up to 120 shrimp for personal use in any one day.

WSR 18-12-039
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-110—Filed May 29, 2018, 4:03 p.m., effective May 29, 2018, 4:03 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational fishing rules for the Columbia River.

Citation of Rules Affected by this Order: 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: The department is in the process of adopting permanent rules that are necessary to implement the personal use fishing plans agreed-to with resource comanagers at the North of Falcon proceedings. These emergency rules are necessary to comply with agreed-to management plans, and are interim until permanent rules take effect.

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

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

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

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

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

Date Adopted: May 29, 2018.

Amy H. Windrope
for Joe Stohr
Director

NEW SECTION

WAC 220-312-06000I Freshwater exceptions to statewide rules—Columbia 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 June 16 through July 31, 2018:

(1) Megler-Astoria Bridge upstream to Bonneville Dam:

(a) Fishing at night is permitted.

(b) Salmon and steelhead:

(i) Open June 16 through June 21:

(A) Daily limit 6. Up to 2 hatchery steelhead may be retained.

(B) Release all salmon other than hatchery jack Chinook.

(ii) Open June 22 through July 4:

(A) Daily limit 6. Up to 2 adult salmon or hatchery steelhead or 1 of each may be retained.

(B) Release all salmon other than hatchery Chinook.

(iii) Open July 5 through July 31:

(A) Daily limit 6. Up to 2 hatchery steelhead may be retained.

(B) Release all salmon other than hatchery jack Chinook.

(2) Bonneville Dam upstream to Hwy 395 Bridge:

(a) Fishing at night is permitted.

(b) Salmon and steelhead:

(i) Open June 16 through July 31:

(A) Daily limit 6. Up to 2 adult salmon or hatchery steelhead or 1 of each may be retained.

(B) Release all salmon other than hatchery Chinook.

(3) Hwy 395 Bridge at Pasco upstream to the I-182 Bridge:

(a) Salmon:

(i) Open June 16 through July 31:

(A) Daily limit 4. Up to 1 adult hatchery Chinook may be retained.

(B) Release wild adult Chinook and Sockeye.

(4) I-182 Bridge to Priest Rapids Dam:

(a) Salmon:

(i) Open June 16 through July 31:

(A) Daily limit 6. Up to 2 adult hatchery Chinook may be retained.

(B) Release wild adult Chinook and Sockeye.

WSR 18-12-040

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Behavioral Health Administration)

[Filed May 30, 2018, 9:06 a.m., effective June 8, 2018]

Effective Date of Rule: June 8, 2018.

Purpose: The department is amending WAC 388-865-0526 Single bed certification, by emergency rule to immediately provide clearer means for individuals who have a less restrictive alternative order or conditional release revocation to be granted an exception to allow timely and appropriate treatment under a single bed certification in a facility that is not certified as an evaluation and treatment facility. This filing extends the emergency rule filed as WSR 18-05-009 on February 8, 2018, to give time to work on the development of the permanent rule and also to assist with transitioning this

rule to the health care authority on July 1, 2018, according to 2ESHB 1388. A CR-101 preproposal statement of inquiry was filed as WSR 18-03-096 on January 17, 2018. The department has created a draft rule and has circulated it to some key external and internal stakeholders for initial review.

Citation of Rules Affected by this Order: Amending WAC 388-865-0526.

Statutory Authority for Adoption: RCW 71.05.745, 71.05.560, 71.24.035, 71.34.380, and chapter 71.05 RCW.

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

Reasons for this Finding: The department finds that some courts are not recognizing single bed certifications as applying to less restrictive alternative order revocations because revocations are not specifically mentioned in WAC 388-865-0526. This emergency rule is needed to immediately provide clarification that individuals who have a less restrictive alternative order or conditional release revocation may be granted an exception to allow timely and appropriate treatment under a single bed certification in a facility that is not certified as an evaluation and treatment facility. Clarifying the language of the WAC will help remove treatment barriers for individuals who have a less restrictive alternative order or conditional release revocation.

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

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

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

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

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

Date Adopted: May 1, 2018.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-14-087, filed 6/29/15, effective 7/30/15)

WAC 388-865-0526 Single bed certification. At the discretion of the department, an exception may be granted to allow timely and appropriate treatment in a facility that is not certified under chapter 388-877 WAC to an ((adult)) individual on a seventy-two hour detention, a five-day detention pending a revocation proceeding, or a fourteen-day commitment ((in a facility that is not certified under WAC 388-865-0500; or)). An exception may also be granted for a maximum of thirty days to allow a community facility to provide treat-

ment to an ((adult)) individual on a ninety- or one hundred eighty-day inpatient involuntary commitment order or to an individual who has been revoked from a less restrictive alternative order or conditional release. For involuntarily detained or committed children, the exception may be granted to allow timely and appropriate treatment in a facility not certified under chapter 388-877 WAC ((388-865-0500)) until the child's discharge from that setting to the community, or until they transfer to a bed in a children's long-term inpatient program (CLIP).

(1) The ((regional support network (RSN))) behavioral health organization (BHO) or behavioral health administrative services organization (BH-ASO) or its designee must submit a written request for a single bed certification to the department. In the case of a child, the facility must submit the written request to the department. The request must be submitted and approved by the department for a facility to accept an individual for timely and appropriate treatment under this section. If the department has assumed the duties assigned to a nonparticipating ((RSN)) BHO, an entity designated by the department will perform the functions described in this section.

(2) A single bed certification may be issued to the facility for timely and appropriate mental health treatment when the following requirements are met in each instance where such certification is sought for an individual:

(a) The facility that is the site of the proposed single bed certification confirms that it is willing and able to provide directly, or by direct arrangement with other public or private agencies, timely and appropriate mental health treatment to the consumer for whom the single bed certification is sought; and

(b) The request for single bed certification describes why the consumer meets at least one of the following criteria:

(i) The consumer is expected to be ready for discharge from inpatient services within the next thirty days and being at a community facility would facilitate continuity of care, consistent with the consumer's individual treatment needs;

(ii) The consumer can receive appropriate mental health treatment in a residential treatment facility, as defined in WAC 246-337-005, and the single bed certification will be only to that facility; or

(iii) The consumer can receive appropriate mental health treatment in a hospital with a psychiatric unit, or a hospital that is willing and able to provide timely and appropriate mental health treatment, or a psychiatric hospital, and the single bed certification will apply only to that facility.

(3) In order to provide timely and appropriate mental health treatment, the facility receiving the single bed certification, or the public or private agency the facility has a direct arrangement with to provide mental health treatment, must:

(a) Implement standards for administration that include written procedures to assure that a mental health professional, as defined in RCW 71.05.020 or WAC ((388-865-0150)) 388-865-0238, and licensed physicians are available for consultation and communication with both the consumer and the direct patient care staff;

(b) Use a plan of care/treatment. The medical or clinical record must contain documentation that:

(i) An individualized mental health treatment plan was developed, when possible, collaboratively with the consumer. If the consumer is unwilling or unable to participate in development of the plan, documentation must be made in the record. Development of this plan may include participation of a multidisciplinary team, a mental health professional, as defined in RCW 71.05.020 or WAC ((388-865-0150)) 388-865-0238, or collaboration with members of the consumer's support system as identified by the consumer.

(ii) A mental health professional, as defined in RCW 71.05.020 or WAC ((388-865-0150)) 388-865-0238, has had contact with each involuntarily detained consumer at least daily for the purposes of:

(A) Observation and evaluation; and

(B) Assessing whether the consumer is appropriate for release from involuntary commitment to accept treatment on a voluntary basis.

(c) Have standards for administration and monitoring of medication, including psychiatric medications. Consumers have a right to make an informed decision regarding the use of antipsychotic medication consistent with RCW 71.05.215.

(4) If a consumer requires medical services that are not generally available at a facility certified under this chapter, or at a state psychiatric hospital ((when a court has ordered a ~~ninety- or one hundred eighty-day inpatient commitment~~),) or ((~~at~~)) a facility that meets the requirements of subsections (2) and (3) of this section, a single bed certification may be issued to that facility for the consumer as follows:

(a) The single bed certification request must adequately describe why the consumer requires medical services that are not available at a facility certified under this chapter, ((~~or at~~)) a state psychiatric hospital ((when a court has ordered a ~~ninety- or one hundred eighty-day inpatient commitment~~)), or ((~~at~~)) a facility that meets the requirements of subsections (2) and (3) of this section;

(b) The facility that is the site of the requested single bed certification must confirm that it is willing and able to provide the medical services; and

(c) The facility has documented that one of the following has been met:

(i) With the authorization of the hospital, and consistent with any applicable hospital policies and procedures, the ((RSN)) BHO/BH-ASO assigns a mental health professional to provide the consumer appropriate mental health treatment at the facility, including observation and evaluation, during the period of time the consumer is provided medical services; or

(ii) The hospital provides medical services and a plan that addresses the consumer's mental health treatment needs until the consumer is medically stable and the ((RSN)) BHO/BH-ASO or its designee identifies an appropriate facility for the consumer that is one of the following:

(A) The hospital providing services;

(B) A facility that is certified as an evaluation and treatment (E & T) facility; or

(C) A facility that can meet the consumer's needs under the single bed certification criteria in this section.

(d) If a qualified medical professional determines that mental health treatment for the consumer is not clinically indicated, the requirements in (c) of this subsection do not

apply. When the consumer is determined to be medically stable, the facility must ensure the requirements in (c) of this subsection are met.

(5) The department makes the decision and gives written notification to the requesting entity in the form of a single bed certification. The single bed certification must not contradict a specific provision of federal or state law.

(6) A consumer who receives services under a single bed certification under this section must be transferred;

(a) To an evaluation and treatment facility if on a seventy-two hour detention, a five-day detention pending a revocation proceeding, or a fourteen-day commitment((;)); or

(b) To a state hospital if on a ninety- or one hundred eighty-day inpatient commitment or their less restrictive alternative order or conditional release was revoked, as soon as the attending physician considers the consumer medically stable and a bed becomes available, unless the treating facility consents to continue treatment and continued treatment in the current setting is consistent with the best clinical interests of the consumer.

(7) The department may make site visits at any time to verify that the terms of the single bed certification are being met. Failure to comply with any term of this exception may result in corrective action. If the department determines that the violation places consumers in imminent jeopardy, immediate revocation of this exception can occur.

(8) The ((RSN)) BHO/BH-ASO retains the responsibility for ensuring due process required by RCW 71.24.300 (6)(b).

(9) Neither consumers nor facilities have fair hearing rights as defined under chapter 388-02 WAC regarding single bed certification decisions by department staff.

WSR 18-12-047

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 18-112—Filed May 30, 2018, 2:50 p.m., effective May 31, 2018]

Effective Date of Rule: May 31, 2018.

Purpose: Amend coastal commercial salmon troll rules.

Citation of Rules Affected by this Order: Repealing WAC 220-354-30000F [220-354-30000G]; and amending WAC 220-354-300.

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 because a harvestable quota of salmon is available for the troll fleet. These rules are adopted at the recommendation of the Pacific Fisheries Management Council, in accordance with preseason fishing plans. 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: May 30, 2018.

Ron Warren
for Joe Stohr
Director

NEW SECTION

WAC 220-354-30000H Coastal salmon troll seasons —Commercial. Notwithstanding the provisions of WAC 220-354-300, effective May 31, 2018 until further notice, it is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons provided below:

(1) Salmon Management and Catch Reporting Areas 1 and 2 open: May 1 through June 30, 2018.

(2) Salmon Management and Catch Reporting Areas 3, and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open: May 31 through June 4, 2018.

(3) In Washington Catch Reporting Areas 3 and 4, landing and possession limit of 35 Chinook per vessel per open period.

(4) In Washington Catch Reporting Area 2, landing and possession limit of 200 Chinook per vessel per landing week, defined as Thursday through Wednesday.

(5) In Washington Catch Reporting Area 1, landing and possession limit of 100 Chinook per vessel per landing week, defined as Thursday through Wednesday.

(6) The Cape Flattery and Columbia River Control Zones are closed. The Mandatory Yelloweye Rockfish Conservation Area is closed.

(7) Minimum size for Chinook salmon is 28 inches in length. No minimum size for pink, sockeye or chum salmon. It is unlawful to possess coho salmon.

(5) Lawful troll gear is restricted to all legal troll gear with single point, single shank barbless hooks.

(6) Fishers must land and deliver their catch within 24 hours of any closure of a fishery provided for in this section. Vessels in possession of salmon north of the Queets River may not cross the Queets River line without first notifying WDFW by phone at (360) 249-1215 or by email at Wendy.Beehley@dfw.wa.gov with Area fished, total Chinook and halibut catch aboard, and destination. Vessels in possession of salmon south of the Queets River may not cross the Queets

River line without first notifying WDFW by phone at (360) 249-1215 or by email at Wendy.Beehley@dfw.wa.gov with Area fished, total Chinook and halibut catch aboard, and destination. Vessels fishing or in possession of salmon while fishing north of Leadbetter Point must land and deliver their fish within the area and North of Leadbetter Point. Vessels fishing or in possession of salmon while fishing south of Leadbetter Point must land and deliver their fish within the area and south of Leadbetter Point.

(7) The Cape Flattery Control Zone is defined as the area from Cape Flattery (48°23'00" N latitude) to the northern boundary of the U.S. Exclusive Economic Zone, and the area from Cape Flattery south to Cape Alava, 48°10'00" N latitude, and east of 125°05'00" W longitude.

(8) The Columbia Control Zone is defined as an area at the Columbia River mouth, bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N. Lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09" N. lat., 124°06'16" W. long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat., 124°03'07" W. long, to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°15'48" N. lat., 124°05'20" W. long.), and then along the north jetty to the point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

(9) The Mandatory Yelloweye Rockfish Conservation Area is defined as the area in Washington Marine Catch Area 3 from 48°00.00' N latitude; 125°14.00' W longitude to 48°02.00' N latitude; 125°14.00' W longitude to 48°02.00' N latitude; 125°16.50' W longitude to 48°00.00' N latitude; 125°16.50' W longitude and connecting back to 48°00.00' N latitude; 125°14.00' W longitude.

(10) It is unlawful to fish in Salmon Management and Catch Reporting Areas 1, 2, 3 or 4 with fish on board taken south of Cape Falcon, Oregon and all fish taken from Salmon Management and Catch Reporting Areas 1, 2, 3, and 4 must be landed before fishing south of Cape Falcon, Oregon.

(11) It is unlawful for wholesale dealers and trollers retailing their fish to fail to report their landing by 10:00 a.m. the day following landing. Ticket information can be telephoned in by calling 1-866-791-1279, faxing the information to (360) 902-2949, or e-mailing to trollfishtickets@dfw.wa.gov. Report the dealer name, the dealer license number, the purchasing location, the date of purchase, the fish ticket numbers, the gear used, the catch area, the species, the total number for each species, and the total weight for each species, including halibut.

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 May 31, 2018:

WAC 220-354-30000G Coastal salmon troll seasons—
Commercial. (18-108)

WSR 18-12-052
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-113—Filed May 30, 2018, 4:55 p.m., effective June 1, 2018]

Effective Date of Rule: June 1, 2018.

Purpose: Amend recreational salmon fishing rules for Puget Sound.

Citation of Rules Affected by this Order: Repealing WAC 220-313-06000N; and 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: This emergency rule is needed because the department is in the process of adopting permanent rules that are necessary to implement the personal use fishing plans agreed-to with resource comanagers at the North of Falcon proceedings. This rule complies with agreed-to management plans and is interim until permanent rules take effect. 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: May 30, 2018.

Ron Warren
for Joe Stohr
Director

NEW SECTION

WAC 220-313-06000N Puget Sound salmon—Saltwater seasons and daily limits. Notwithstanding the provisions of WAC 220-313-060, effective June 1 through September 30, 2018, it is unlawful to violate the provisions below. Unless otherwise amended, all permanent rules remain in effect.

(1) **Marine Catch Record Card Area 10:**

(a) Salmon:

(i) Open June 1 through July 15:

(A) Daily limit 2.

(B) Release Chinook and chum.

(2) **Marine Catch Record Card Area 11:**

(a) Salmon:

(i) Open June 1 through September 30:

(A) Daily limit 2 of which 1 may be a Chinook.

(B) Release wild Chinook.

REPEALER

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

WAC 220-313-06000N Puget Sound salmon—Saltwater seasons and daily limits.

WSR 18-12-053
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-89—Filed May 31, 2018, 8:26 a.m., effective June 1, 2018]

Effective Date of Rule: June 1, 2018.

Purpose: Amends recreational fishing rules for Rainbow Lake in Columbia County.

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: This emergency rule is needed to close waters of Rainbow Lake to fishing for public safety. The department of fish and wildlife is planning construction activities for the lake. These activities this summer will include modifying the dam along the north end of the lake and moving the dam on the west side of the lake. When completed, these activities will improve fishing access to the lake in areas that have become too shallow. 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: May 31, 2018.

Joe Stohr
Director

NEW SECTION

WAC 220-312-05000J Freshwater exceptions to statewide rules—Eastside. Notwithstanding the provisions of WAC 220-312-05000B and WAC 220-312-050, effective June 1, 2018, until further notice, it is unlawful to fish in the waters of Rainbow Lake (Columbia County).

**WSR 18-12-062
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 18-111—Filed May 31, 2018, 1:15 p.m., effective May 31, 2018,
1:15 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational fishing rules for the Snake River.

Citation of Rules Affected by this Order: Repealing WAC 220-312-05000F; 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 because Snake River fisheries have harvested approximately thirty-seven percent of the allotted harvest share and had minimal impacts to wild spring Chinook (<20% of allowable). Fishery managers are increasing the daily limit in the lower areas to access the remaining balance of the harvest share. All of the fishery areas in the Washington portion of the Snake River are mixed stock fisheries; however, there is increased potential to disproportionately harvest Clearwater River stocks in Section C (just below the mouth of the Clearwater River). Because of that disproportionate harvest risk, fishery managers plan to leave the limit in this section at one adult/day. 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: May 31, 2018.

Nate Pamplin
for Joe Stohr
Director

NEW SECTION

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

Snake River:

(1) From the south bound Highway 12 Bridge near Pasco upstream about 7 miles to the fishing restriction boundary below Ice Harbor Dam:

(a) Salmon:

(i) Open Friday and Saturday each week beginning immediately until further notice:

(A) Daily limit 6. Up to 2 adults may be retained.

(B) Release all salmon other than hatchery Chinook.

(2) From Texas Rapids boat launch (south side of the river upstream of the mouth of Tucannon River) to the fishing restriction boundary below Little Goose Dam. This includes the rock and concrete area between the juvenile bypass return pipe and Little Goose Dam along the south shoreline of the facility:

(a) Salmon:

(i) Open Sunday and Monday each week beginning immediately until further notice:

(A) Daily limit 6. Up to 2 adults may be retained.

(B) Release all salmon other than hatchery Chinook.

(3) From the downstream edge of the large power lines crossing the Snake River (just upstream from 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 Washington/Idaho boundary waters marker on the Whitman County shore):

(a) Salmon:

(i) Open Sunday and Monday each week beginning immediately until further notice:

(A) Daily limit 6. Up to 1 adult may be retained.

(B) Release all salmon other than hatchery Chinook.

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 220-312-05000F Freshwater exceptions to statewide rules—Eastside. (18-70)

WSR 18-12-063
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-114—Filed May 31, 2018, 3:03 p.m., effective June 2, 2018]

Effective Date of Rule: June 2, 2018.

Purpose: Amend recreational halibut rules.

Citation of Rules Affected by this Order: Repealing WAC 220-314-03000L; and amending WAC 220-314-030.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

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

Reasons for this Finding: This emergency rule is necessary because there remains sufficient quota to allow for another two days of halibut fishing in Marine Areas 3-10 without risk of exceeding quota. There is insufficient quota remaining in Marine Area 2 to allow for another day in all depth fishery but there is sufficient quota reserved to open the nearshore fishery. This rule conforms to federal action taken by the National Marine Fisheries Service and the International Pacific Halibut Commission. 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: May 31, 2018.

Nate Pamplin
for Joe Stohr
Director

NEW SECTION

WAC 220-314-03000M Halibut—Seasons—Daily and possession limits. Notwithstanding the provisions of WAC 220-314-030, 220-314-040, and 220-314-010, effective effective June 2, 2018 until further notice, it is unlawful to fish for or possess halibut taken for personal use, except as provided in this section:

(1) **Catch Record Card Area 1 (seaward of Nearshore fishery):** Closed.

(2) **Catch Record Card Area 1 (Nearshore fishery):** Those waters shoreward from 46°38.17'N. lat., 124°15.88'W. long., to the WA/OR border at 46°16.00'N. lat., 24°15.88'W. long. (then connecting to the 40 fathom depth contour in Oregon):

(a) Open until further notice, seven days a week.

(b) It is permissible to retain bottomfish while possessing halibut onboard boats in the nearshore area.

(3) **Catch Record Card Area 2 (outside of Nearshore fishery area):** Closed.

(4) **Catch Record Card Area 2 (Nearshore fishery):** Those waters shoreward from 47°31.70'N. lat., 124°37.03'W. long. to 47°25.67'N. lat., 124°34.79'W. long. to 47°12.82'N. lat., 124°29.12'W. long. to 46°58.00'N. lat., 124°24.24'W. long.:

(a) Open until further notice, seven days a week.

(5) **Card Areas 3 and 4:**

(a) Open June 7 and June 9, 2018.

(b) The following area southwest of Cape Flattery is closed to fishing for halibut at all times:

Beginning at 48°18' N., 125°18' W.; thence to 48°18'N., 124°59'W.; thence to 48°11'N., 124°59'W.; thence to 48°11'N., 125°11'W.; thence to 48°04'N., 125°11'W.; thence to 48°04'N., 124°59'W.; thence to 48°N., 124°59'W.; thence to 48°N., 125°18'W.; thence to point of origin.

(c) In Marine Areas 3 and 4 (west of the Bonille-Tatoosh Line); effective May 9, 2018: it is unlawful to fish for or possess bottomfish seaward of a line approximating the 20-fathom depth contour except, on days open to the Pacific halibut fishery in these areas, it is permissible to retain lingcod, sablefish and Pacific cod seaward of the 20 fathom depth contour as defined by the following coordinates:

48°23.9'N. lat., 124°44.2'W. long.

48°23.6'N. lat., 124°44.9'W. long. 48°18.6'N. lat., 124°43.6'W. long. 48°18.6'N. lat., 124°48.2'W. long. 48°10.0'N. lat., 124°48.8'W. long. 48°02.4'N. lat., 124°49.3'W. long. 47°37.6'N. lat., 124°34.3'W. long. 47°31.7'N. lat., 124°32.4'W. long.

(d) In Marine Area 4 (east of the Bonilla-Tatoosh Line) it is unlawful to fish for or possess bottomfish seaward of a line approximating 120-feet (20 fathoms), except, on days open to the Pacific halibut fishery in this area, it is permissible to retain lingcod, and Pacific cod seaward of the 120 feet (20 fathoms) as defined by WAC 220-314-010.

(6) **Catch Record Card Area 5 through 10:**

(a) Open June 7 and June 9, 2018.

(b) It is permissible for halibut anglers to retain lingcod and Pacific cod caught while fishing for halibut in waters deeper than 120 feet on days when halibut fishing is open in Areas 5 and 6.

(7) **Catch Record Card Areas 11, 12 and 13:** Closed.

(8) Daily limit one halibut, no minimum size limit. The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit.

(9) It is unlawful to land halibut in a port within an area closed to halibut fishing.

(10) Annual halibut limit is four.

(11) All other permanent rules remain in effect.

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.

Reviser's note: The spelling 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 June 2, 2018:

WAC 220-314-03000L Halibut—Seasons—Daily and possession limits. (18-102)

WSR 18-12-071 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 18-115—Filed June 1, 2018, 2:05 p.m., effective June 1, 2018, 2:05 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This change will include Game Management Units (GMU) 572, 574, and 578 in WAC 220-413-200 that makes it unlawful to transport the hooves of harvested elk beyond the site where the animal was killed.

Citation of Rules Affected by this Order: Amending WAC 220-413-200.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.240, and 77.32.470.

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: Because treponeme associated hoof disease (TAHD) was confirmed in GMU 578, the department seeks to reduce the spread of TAHD by adding GMU 578 and neighboring GMUs 572 and 574 to WAC 220-413-200.

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

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: June 1, 2018.

Joseph Stohr
Director

NEW SECTION

WAC 220-413-20000A Reducing the spread of hoof disease—Unlawful transport of elk hooves. Notwithstanding the provisions of WAC 220-413-200, effective immediately, until further notice, the change shall read as follows under section (1):

(1) It is unlawful to transport the hooves of harvested elk beyond the site where the animal was killed in Game Management Units 407, 418, 437, 454, 501 through 564, 572, 574, 578, 633, 636 and 642 through 699, except when specifically authorized by the department or when acting as an agent of the department in the limited capacity of cooperating with research or management actions regarding hoof disease as directed by the department.

WSR 18-12-077 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 18-116—Filed June 1, 2018, 4:21 p.m., effective June 1, 2018, 4:21 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational angling gear regulation for coastal marine areas.

Citation of Rules Affected by this Order: Amending WAC 220-310-110.

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 department is in the process of adopting permanent rules for coastal bottomfish and halibut fisheries angling gear requirements. This rule conforms to federal action taken by the National Marine Fisheries Service. The agreed-to

management plan is interim until permanent rules take effect. 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: June 1, 2018.

Ron Warren
for Joe Stohr
Director

NEW SECTION

WAC 220-310-11000B Angling gear—Lawful and unlawful acts. Notwithstanding the provisions of WAC 220-310-110, effective immediately:

In Catch Record Card Areas, 1 through 13: It is unlawful for any person to take, fish for, or possess bottomfish or halibut taken for personal use, to fail to have onboard the vessel a fish descending or fish recompression device, rigged for immediate use, and capable of rapidly returning fish to depth of capture.

**WSR 18-12-081
EMERGENCY RULES
DEPARTMENT OF
EARLY LEARNING**

[Filed June 4, 2018, 3:08 p.m., effective June 4, 2018, 3:08 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Allow benefit revisions during a benefit eligibility period for the months of June, July, and August for families who have school-aged children participating in working connections child care and seasonal child care programs.

Citation of Rules Affected by this Order: Amending WAC 170-290-0190.

Statutory Authority for Adoption: RCW 43.215.060 and 43.215.070.

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: Once benefits are authorized for working connections child care and seasonal child care eligible families, the amount of hours authorized may be changed only under certain conditions. One such condition is the June - August summer break from school. The number of "nonschool" days in June 2018 will require benefit changes for that month for families with school-aged children as well as the months of July and August. The amendment better clarifies how many hours of child care may be authorized per month during the months of June, July, and August.

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

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

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

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

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

Date Adopted: June 4, 2018.

Heather Moss
Director

AMENDATORY SECTION (Amending WSR 17-23-057, filed 11/9/17, effective 12/10/17)

WAC 170-290-0190 WCCC benefit calculations. (1)

The amount of care a consumer may receive is determined by DSHS at application or reapplication. ~~((The consumer does not need to be in approved activities or a reported activity schedule, except at application or reapplication.))~~ Once the care is authorized, the amount will not be reduced during the eligibility period unless:

(a) The consumer requests the reduction;

(b) The care is for a school-aged child as described in subsection (3) of this section; ~~((and))~~ or

(c) Incorrect information was given at application or reapplication ~~((according to WAC 170-290-0030)).~~

(2) To determine the amount of weekly hours of care needed, DSHS ~~((will))~~ reviews:

(a) The consumer's participation in approved activities ~~((per WAC 170-290-0040, 170-290-0045, 170-290-0050, and 170-290-0055;~~

~~((b))) and reduces by the number of hours the child attends school, including home school((; and reduce the amount of care;~~

~~((c)))~~;

(b) In a two parent household, the days and times the activities overlap, and only authorize care during those times((;

~~((d) The parent,))~~;

(c) DSHS will not consider the schedule of a parent in a two parent household((;)) who is not able to care for the

child(~~(, as defined in WAC 170-290-0020, and exclude the activity requirements; and~~

~~(e) When a consumer requests and verifies the need for increased care, DSHS will increase the care for the remainder of the eligibility period.~~

~~(3) **Determining full-time**~~)).

(3) Full-time care for a family using licensed providers is authorized when the consumer participates in approved activities at least one hundred ten hours per month:

(a) Twenty-three full-day units per month will be authorized ~~((for one hundred ten hours of activity or more each month))~~ when the child needs care five or more hours per day;

(b) Thirty half-day units per month will be authorized ~~((for one hundred ten hours of activity or more each month))~~ when the child needs care less than five hours per day;

~~(c) ((Thirty half-day units per month will be authorized during the school year for a school-aged child who needs care less than five hours per day;~~

~~(d))~~ Forty-six half-day units per month will be authorized during the months of June, July, and August for a school-aged child who needs five or more hours of care;

~~((e) Twenty-three full-day units will be authorized during the school year for a school-aged child who needs care five or more hours per day;~~

~~(f))~~ (d) Supervisor approval is required for additional days of care that exceeds twenty-three full days or thirty half days per month; and

~~((g))~~ (e) Care cannot exceed sixteen hours per day, per child.

(4) ~~((**Determining**))~~ Full-time care for a family using in-home/relative providers (family, friend and neighbors)~~((:))~~ is authorized when the consumer participate in approved activities at least one hundred ten hours per month:

(a) Two hundred thirty hours of care will be authorized ~~((for one hundred ten hours of activity or more each month))~~ when the child needs care five or more hours per day;

(b) One hundred fifteen hours of care will be authorized ~~((for one hundred ten hours of activity or more each month))~~ when the child needs care less than five hours per day;

(c) One hundred fifteen hours of care will be authorized during the school year for a school-aged child who needs care less than five hours per day and the provider will be authorized contingency hours each month, up to a maximum of two hundred thirty hours;

(d) Two hundred thirty hours of care will be authorized during the school year for a school-aged child who needs care five or more hours in a day;

(e) Supervisor approval is required for hours of care that exceed two hundred thirty hours per month; and

(f) Care cannot exceed sixteen hours per day, per child.

(5) **Determining part-time care for a family using licensed providers and the activity is less than one hundred ten hours per month.**

(a) A full-day unit will be authorized for each day of care that exceeds five hours;

(b) A half-day unit will be authorized for each day of care that is less than five hours; and

(c) A half-day unit will be authorized for each day of care for a school-aged child, not to exceed thirty half days.

(6) **Determining part-time care for a family using in-home/relative providers (family, friend and neighbors).**

(a) Under the provisions of subsection (2) of this section, DSHS will authorize the number of hours of care needed per month when the activity is less than one hundred ten hours per month; and

(b) When the provider claims contingency hours, the total number of authorized hours and contingency hours claimed cannot exceed two hundred thirty hours per month.

(7) DSHS determines the allocation of hours or units for families with multiple providers based upon the information received from the parent.

(8) DSHS may authorize more than the state rate and up to the provider's private pay rate if:

(a) The parent is a WorkFirst participant; and

(b) Appropriate child care, at the state rate, is not available within a reasonable distance from the approved activity site. "Appropriate" means licensed or certified child care under WAC 170-290-0125, or an approved in-home/relative provider under WAC 170-290-0130. "Reasonable distance" is determined by comparing distances other local families must travel to access appropriate child care.

(9) Other fees DSHS may authorize to a provider are:

(a) Registration fees;

(b) Field trip fees;

(c) Nonstandard hours bonus;

(d) Overtime care to a licensed provider who has a written policy to charge all families, when care is expected to exceed ten hours in a day; and

(e) Special needs rates for a child.

~~((10) In-home/relative providers who are paid child care subsidies to care for children receiving WCCC benefits cannot receive those benefits for their own children during the hours in which they provide subsidized child care:))~~

WSR 18-12-094

EMERGENCY RULES

SECRETARY OF STATE

[Filed June 5, 2018, 1:16 p.m., effective June 5, 2018, 1:16 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: To allow flexibility in printing party preference information for county election offices.

Citation of Rules Affected by this Order: Amending WAC 434-230-045.

Statutory Authority for Adoption: RCW 29A.04.611.

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

Reasons for this Finding: One office that will appear on every ballot in the state primary on August 7, 2018, features twenty-nine candidates and the required line for write-in voting. It is necessary to provide county election offices a small

amount of flexibility in laying out the ballot face, in order to display all candidates in the same column on the ballot.

Using a single column for displaying a race is preferred in order to reduce the possibility for voter confusion. A voter interpreting a ballot race that is displayed over two columns may not notice the names in the second column and have difficulty locating their preferred candidate. There is also the possibility that a voter could interpret the two columns as two offices and vote for more than one candidate for that office thus invalidating their vote.

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

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

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

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

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

Date Adopted: June 5, 2018.

Mark Neary
Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 17-12-090, filed 6/6/17, effective 7/7/17)

WAC 434-230-045 Candidate format. (1) For each office or position, the names of all candidates shall be listed together. If the office is on the primary election ballot, no candidates skip the primary and advance directly to the general election.

(2)(a) On the primary election ballot, candidates shall be listed in the order determined by lot.

(b) On the general election ballot, the candidate who received the highest number of votes in the primary shall be listed first, and the candidate who received the second highest number of votes in the primary shall be listed second. If the two candidates who received the most votes in the primary received exactly the same number of votes, the order in which their names are listed on the general election ballot shall be determined by lot.

(c) The political party that each candidate prefers is irrelevant to the order in which the candidates appear on the ballot.

(3) Candidate names shall be printed in a type style and point size that can be read easily. If a candidate's name exceeds the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include, but are not limited to, printing a smaller point size or different type style.

(4) For partisan office:

(a) If the candidate stated his or her preference for a political party on the declaration of candidacy, that preference shall be printed below or to the right of the candidate's name, with parentheses and the first letter of each word or abbreviation capitalized. Acronyms shall be printed in all capital letters with or without periods. For example:

John Smith
(Prefers Example Party)
John Smith (Prefers ABC Party)

(b) If the candidate did not state his or her preference for a political party, that information shall be printed below or to the right of the candidate's name, with parentheses and the first letter of each word capitalized, as shown in the following example:

John Smith
(States No Party Preference)

(c) The party preference line for each candidate may be in smaller point size or indented.

(d) The same party preference information shall be printed on both primary and general election ballots.

(5) If the office is nonpartisan, only the candidate's name shall appear. Neither "nonpartisan" nor "NP" shall be printed with each candidate's name.

(6) The law does not allow nominations or endorsements by interest groups, political action committees, political parties, labor unions, editorial boards, or other private organizations to be printed on the ballot.

WSR 18-12-105

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 18-117—Filed June 5, 2018, 4:38 p.m., effective June 5, 2018, 4:38 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreation halibut rules.

Citation of Rules Affected by this Order: Repealing WAC 220-314-03000M; and amending WAC 220-314-030.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

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

Reasons for this Finding: This emergency rule is necessary because there is sufficient quota remaining to open recreational halibut fisheries in Marine Area 3 (La Push) and 4 (Neah Bay) and Marine Areas 5-10 (Puget Sound) on Saturday, June 16 and Saturday, June 23. In addition, in order to maximize all depth fishing opportunity, the nearshore area in Marine Area 2 will close at the end of the day Wednesday, June 6 and recreational halibut fishing will reopen at all

depths in coastal Marine Areas 1-4 and Puget Sound (Marine Areas 5-10) on Thursday, June 21. 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: June 5, 2018.

Joe Stohr
Director

NEW SECTION

WAC 220-314-03000N Halibut—Seasons—Daily and possession limits. Notwithstanding the provisions of WAC 220-314-030, 220-314-040, and 220-314-010, effective June 2, 2018 until further notice, it is unlawful to fish for or possess halibut taken for personal use, except as provided in this section:

(1) **Catch Record Card Area 1 (all depth):**

(a) Open Thursday June 21, 2018.

(b) It is unlawful during any vessel trip to bring into port or land bottomfish except sablefish, Pacific Cod, or flat fish species when halibut are on board.

(2) **Catch Record Card Area 1 (Nearshore fishery):**

Those waters shoreward from 46°38.17'N. lat., 124°15.88'W. long., to the WA/OR border at 46°16.00'N. lat., 24°15.88'W. long. (then connecting to the 40 fathom depth contour in Oregon):

(a) Open seven days a week through June 20, 2018.

(b) It is permissible to retain bottomfish while possessing halibut onboard boats in the nearshore area.

(3) **Catch Record Card Area 2:** Open June 21, 2018.

(4) **Catch Record Card Area 2 (Nearshore fishery):**

Those waters shoreward from 47°31.70'N. lat., 124°37.03'W. long. to 47°25.67'N. lat., 124°34.79'W. long. to 47°12.82'N. lat., 124°29.12'W. long. to 46°58.00'N. lat., 124°24.24'W. long.:

(a) Open through June 6, 2018.

(5) **Card Areas 3 and 4:**

(a) Open June 7, June 9, June 16, June 21, and June 23, 2018.

(b) The following area southwest of Cape Flattery is closed to fishing for halibut at all times:

Beginning at 48°18' N., 125°18' W.; thence to 48°18'N., 124°59'W.; thence to 48°11'N., 124°59'W.; thence to

48°11'N., 125°11'W., thence to 48°04'N., 125°11'W.; thence to 48°04'N., 124°59'W.; thence to 48°N., 124°59'W.; thence to 48°N., 125°18'W.; thence to point of origin.

(c) In Marine Areas 3 and 4 (west of the Bonille-Tatoosh Line); effective May 9, 2018: it is unlawful to fish for or possess bottomfish seaward of a line approximating the 20-fathom depth contour except, on days open to the Pacific halibut fishery in these areas, it is permissible to retain lingcod, sablefish and Pacific cod seaward of the 20 fathom depth contour as defined by the following coordinates:

48°23.9'N. lat., 124°44.2'W. long.

48°23.6'N. lat., 124°44.9'W. long. 48°18.6'N. lat., 124°43.6'W. long. 48°18.6'N. lat., 124°48.2'W. long. 48°10.0'N. lat., 124°48.8'W. long. 48°02.4'N. lat., 124°49.3'W. long. 47°37.6'N. lat., 124°34.3'W. long. 47°31.7'N. lat., 124°32.4'W. long.

(d) In Marine Area 4 (east of the Bonilla-Tatoosh Line) it is unlawful to fish for or possess bottomfish seaward of a line approximating 120-feet (20 fathoms), except, on days open to the Pacific halibut fishery in this area, it is permissible to retain lingcod, and Pacific cod seaward of the 120 feet (20 fathoms) as defined by WAC 220-314-010.

(6) **Catch Record Card Area 5 through 10:**

(a) Open June 7, June 9, June 16, June 21, and June 23, 2018.

(b) It is permissible for halibut anglers to retain lingcod and Pacific cod caught while fishing for halibut in waters deeper than 120 feet on days when halibut fishing is open in Areas 5 and 6.

(7) **Catch Record Card Areas 11, 12 and 13:** Closed.

(8) Daily limit one halibut, no minimum size limit. The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit.

(9) It is unlawful to land halibut in a port within an area closed to halibut fishing.

(10) Annual halibut limit is four.

(11) All other permanent rules remain in effect.

Reviser's note: The spelling 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.

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 immediately:

WAC 220-314-03000M Halibut—Seasons—Daily and possession limits. (18-114)