

WSR 18-17-005
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-180—Filed August 1, 2018, 3:38 p.m., effective August 1, 2018, 3:38 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends Puget Sound commercial shrimp rules.

Citation of Rules Affected by this Order: Repealing WAC 220-340-52000R; and amending WAC 220-340-520.

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 pot fishery season for spot shrimp; (2) implements a spot shrimp biweekly limit for all areas; (3) implements a minimum mesh size restriction for spot shrimp gear; (4) opens the 1B-21A trawl fishery season; (5) closes SMA 1A to spot prawn harvest; (6) opens SMA 5 Hood Canal for a maximum of four thousand seven hundred fifty pounds of spot prawns; (7) opens SMA 1B to spot shrimp; (8) sets a biweekly limit of four hundred pounds for SMA 1B or 1C; and (9) maintains the previous regulations and restrictions for the nonspot trawl and pot fisheries. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: August 1, 2018.

Joe Stohr
for Kelly Susewind
Director

NEW SECTION

WAC 220-340-52000S Puget Sound shrimp pot and trawl fishery—Season. Notwithstanding the provisions of

WAC 220-340-520, effective immediately, 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 (SMA) 1B, 1C, 2E, 2W, 3 and 5 are open to the harvest of all shrimp species, effective immediately, until further notice, except as provided for in this section:

(i) All waters of the Discovery Bay Shrimp District are closed.

(ii) All waters of Shrimp Management Area 1C are closed to the harvest of all species other than spot shrimp.

(iii) All waters of Shrimp Management Area 5 are closed to the harvest of all species other than spot shrimp.

(iv) All waters of Shrimp Management Area 2E are closed to the harvest of spot shrimp.

(v) All waters of Shrimp Management Area 2W are closed to the harvest of spot shrimp.

(vi) Waters of Shrimp Management Area 3 (23A East) are closed to the harvest of spot shrimp.

(vii) Waters of Shrimp Management Area 1A (20B and 22A West) are closed to the harvest of spot shrimp.

(b) Effective immediately, 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 weekly management period from Shrimp Management Area 2W and 2E combined.

(c) Effective immediately, until further notice, the shrimp weekly management period is Wednesday through Tuesday.

(d) Effective immediately, until further notice, it is unlawful for the combined total harvest of spot shrimp by a fisher or the fisher's alternate operator to exceed 1200 pounds per biweekly management period. No more than 400 pounds of the 1200 pound biweekly limit can come from SMA 1B or 1C.

(e) The current remaining spot shrimp biweekly management period is August 1 to August 14.

(f) Only pots with a minimum mesh size of 1 inch may be pulled on calendar days when fishing for or retaining spot shrimp. Mesh size of 1 inch is defined as a mesh opening that a 7/8-inch square peg will pass through, excluding the entrance tunnels, except for flexible (web) mesh pots, where the mesh must be a minimum of 1 3/4-inch stretch measure. Stretch measure is defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh, when the mesh is stretched vertically. There is no size restriction for spot shrimp.

(g) 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 is open.

(c) That portion of Catch Area 20B within SMA 1B is open.

(d) That portion of Catch Area 21A within SMA 1B is open until further notice.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-340-52000R Puget Sound shrimp pot and beam trawl fishery—Season. (18-170)

WSR 18-17-006
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-184—Filed August 1, 2018, 3:40 p.m., effective August 2, 2018]

Effective Date of Rule: August 2, 2018.

Purpose: Amends commercial coastal troll rules—Seasons and areas.

Citation of Rules Affected by this Order: Repealing WAC 220-354-30000K; 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: Limited harvestable quota remains for the troll fleet in Areas 3 and 4. Reduction of the weekly possession and landing limit in these areas is necessary to allow the fishery to remain open. 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: August 1, 2018.

Joe Stohr
for Kelly Susewind
Director

NEW SECTION

WAC 220-354-30000L Coastal salmon troll seasons—Commercial. Notwithstanding the provisions of WAC 220-354-300, effective August 2, 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, 2, 3, and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open: Immediately through September 19, 2018.

(2) In Washington Catch Reporting Area 1, landing and possession limit of 75 Chinook and 10 coho per vessel per landing week, defined as Thursday through Wednesday.

(3) In Washington Catch Reporting Area 2, landing and possession limit of 10 coho per vessel per landing week, defined as Thursday through Wednesday.

(4) In Washington Catch Reporting Areas 3 and 4, landing and possession limit of 50 Chinook and 10 coho 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. The Grays Harbor Control Zone is closed beginning August 13.

(6) All retained coho must be marked with a healed adipose fin clip.

(7) No chum retention north of Cape Alava, WA in August and September.

(8) Minimum size for Chinook salmon is 28 inches in length. Minimum size for coho salmon is 16 inches in length. No minimum size for pink, sockeye or chum salmon.

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

(10) 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, coho, 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, coho, 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.

(11) 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.

(12) 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.

(13) The Grays Harbor Control Zone is defined as the area within and east of a line drawn from the Westport Lighthouse (46°53'18" N. lat., 124°07'01" W. long.) to Buoy #2 (46°52'42" N. lat., 124°12'42" W. long.) to Buoy #3 (46°55'00" N. lat., 124°14'48" W. long.) to the Grays Harbor north jetty (46°55'36" N. lat., 124°10'51" W. long.).

(14) 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.

(15) 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.

(16) 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 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 August 2, 2018:

WAC 220-354-30000K Coastal commercial salmon troll.
(18-174)

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 18-17-014 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 18-186—Filed August 2, 2018, 12:48 p.m., effective August 4, 2018]

Effective Date of Rule: August 4, 2018.

Purpose: To prohibit the discharge of firearms on department owned or controlled lands unless engaged in lawful hunting.

Citation of Rules Affected by this Order: Amending WAC 220-500-140.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, 77.15.020, and 77.15.160.

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: To prevent new and multiple wildfires during this period of extreme fire danger; and to prevent the severe deterioration of air quality, which exacerbates the risk of life, health, and property.

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: August 2, 2018.

Kelly Susewind
Director

NEW SECTION

WAC 220-500-14000A Firearms and target practicing. (1) Notwithstanding the provisions of WAC 220-500-140, effective August 4, 2018, until further notice, it is unlawful to discharge firearms on department owned or controlled lands unless engaged in lawful hunting.

(2) Unless otherwise provided, violation of any of the provisions of this section constitutes an infraction, pursuant to RCW 77.15.020 and 77.15.160.

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

WSR 18-17-017
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-187—Filed August 2, 2018, 3:08 p.m., effective August 5, 2018]

Effective Date of Rule: August 5, 2018.

Purpose: Amends coastal commercial crab rules.

Citation of Rules Affected by this Order: Repealing WAC 220-340-42000H; and amending WAC 220-340-420.

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 weekly landing limit is necessary to protect the coastal Dungeness crab resource by mitigating handling mortality from sorting soft shelled crab and is in conformity with the coastal Dungeness crab summer fishery management plan. There is insufficient time to promulgate 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: August 2, 2018.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-42000I Commercial crab fishery—Weekly trip limits (1) Notwithstanding the provisions of WAC 220-340-420, effective immediately until further notice, it is unlawful for any person licensed to fish under a Dungeness crab-coastal fishery license to possess or land crab in excess of 1,200 pounds taken during each of the following coastal crab accounting periods:

- August 5 - August 11, 2018
- August 12 - August 18, 2018
- August 19 - August 25, 2018
- August 26 - September 1, 2018
- September 2 - September 8, 2018
- September 9 - September 15, 2018

(2) Any crab taken prior to August 5, 2018, and not landed before 11:59 p.m. August 4, 2018, become part of the August 5 through August 11, 2018 accounting period catch.

(3) It is unlawful for any person taking crab under subsection (1) of this section to fish for crab during any accounting period while having on board any crab taken in a different accounting period.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 5, 2018:

WAC 220-340-42000H Coastal crab fishery—Weekly trip limits. (18-134)

WSR 18-17-018
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-187—Filed August 2, 2018, 3:32 p.m., effective August 2, 2018, 3:32 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends Puget Sound commercial salmon fisheries for Areas 7 and 7A.

Citation of Rules Affected by this Order: Repealing WAC 220-354-12000A, 220-354-16000A and 220-354-18000A; and amending WAC 220-354-120, 220-354-160, and 220-354-180.

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 provide for Pacific Salmon Commission authorized commercial fisheries in Puget Sound Management and Catch Reporting Areas 7 and 7A. 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 3.

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: August 2, 2018.

Kelly Susewind
Director

NEW SECTION

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

(1) **Purse Seines** - Open to purse seine gear according to the times, dates, and conditions as prescribed and listed below:

Hours	Dates
5:00 AM - 9:00 PM	August 3

(a) It is unlawful to retain Chinook, coho and chum.

(b) Purse seine are required to brail and fishers must also use a recovery box in compliance with WAC 220-354-100 (7)(a) through (f).

(c) All salmon and rockfish must be immediately sorted, and those required to be released must be placed in an operating recovery box or released into the water before the next brail may be brought on the deck. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.

(d) It is unlawful to fish for salmon with purse seine gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department issued certification card.

NEW SECTION

WAC 220-354-16000A Puget Sound salmon—Gill-net—Open periods. Notwithstanding the provisions of WAC 220-354-160, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

(1) **Gill Nets** - Open to gill net gear with 5 inch minimum and 5 1/2 inch maximum mesh size according to the times, dates, and conditions as prescribed and listed here:

Hours	Dates
8:00 AM - 11:59 PM	August 3

(a) It is unlawful to retain rockfish.

(b) It is unlawful to fish for salmon with gill net gear in Areas 7 and 7A unless the vessel operator has attended a

"Fish Friendly" best fishing practices workshop and is in possession of a department issued certification card.

NEW SECTION

WAC 220-354-18000A Puget Sound salmon—Reef net—Open periods. Notwithstanding the provisions of WAC 220-354-180, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

(1) **Reef Nets** - Open to reef net gear according to the times, dates, and conditions as prescribed and listed here:

Hours	Dates
5:00 AM - 9:00 PM	August 6

(a) It is unlawful to retain unmarked Chinook, unmarked coho, and chum.

(b) It is unlawful to retain marked Chinook unless the reef net operator is in immediate possession of a Puget Sound Reef Net Logbook. All retained marked Chinook must be recorded in the log book in accordance with requirements of WAC 220-354-180.

(c) It is unlawful to fish for salmon with reef net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in immediate possession of a department issued certification card.

(4) **"Quick Reporting Fisheries":**

All fisheries opened under this section, and any fishery opening under authority of the Fraser Panel for sockeye in Puget Sound Salmon Management and Catch Reporting Areas (WAC 220-301-030), are designated as "Quick Reporting Required" per WAC 220-352-325 Puget Sound salmon and sturgeon—Additional reporting requirements and WAC 220-354-090 Puget Sound salmon—Quick reporting.

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 August 7, 2018:

WAC 220-354-12000A Puget Sound purse seines—Open periods.

WAC 220-354-16000A Puget Sound gill nets—Open periods

WAC 220-354-18000A Puget Sound reef nets—Open periods.

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.

WSR 18-17-019
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-182—Filed August 2, 2018, 4:51 p.m., effective August 2, 2018, 4:51 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational fishing rules for the Entiat River.

Citation of Rules Affected by this Order: Repealing WAC 220-312-05000T; 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 improve anglers' effectiveness at removing hatchery-origin summer Chinook from the spawning grounds in an effort to reduce interactions with endangered spring Chinook further upstream. 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: August 2, 2018.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-05000T Freshwater exceptions to statewide rules—Eastside. Notwithstanding the provisions of WAC 220-312-050, effective from one hour before official sunrise August 4 through one hour after official sunset September 30, 2018:

(1) Entiat River (Chelan Co.); From mouth (rail road bridge) to boundary marker/markers located approximately

1,500 feet upstream of the upper roaring Creek Road Bridge (immediately downstream of the Entiat National Fish Hatchery):

(a) Selective gear rules are not in effect.

(b) It is permissible for anglers to use one line with up to 2 single point barbless hooks.

(c) It is permissible for anglers to use bait.

REPEALER

The following section of the Washington Administrative Code is repealed effective one hour after official sunset September 30, 2018:

WAC 220-312-05000T Freshwater exceptions to statewide rules—Eastside. (18-182)

WSR 18-17-022
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-185—Filed August 3, 2018, 2:43 p.m., effective August 6, 2018]

Effective Date of Rule: August 6, 2018.

Purpose: Amends Puget Sound closed areas for commercial salmon.

Citation of Rules Affected by this Order: Amending WAC 220-354-080.

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 update terms to existing rules to clarify the fish area closed boundaries for Puget Sound Management and Catch Reporting Area 9A. The department is in the process of adopting permanent rules that are necessary to implement fishing plans agreed-to with resource comanagers.

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: August 3, 2018.

Kelly Susewind
Director

NEW SECTION

WAC 220-354-08000A Puget Sound salmon—Closed areas. Notwithstanding the provisions of WAC 220-354-080, effective August 6, 2018, until further notice it is unlawful at any time, unless otherwise provided, to take, fish for, or possess salmon taken for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas.

Area 9A - Closed in those waters north of a line projected from the southern edge of the old mill site (47°51'05"N, 122°34'59"W) to the fallen tree on the opposite shore (47°51'06"N, 122°34'16").

**WSR 18-17-023
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 18-189—Filed August 3, 2018, 2:44 p.m., effective August 4, 2018]

Effective Date of Rule: August 4, 2018.

Purpose: Amends Puget Sound commercial salmon fisheries for Areas 7 and 7A.

Citation of Rules Affected by this Order: Repealing WAC 220-354-12000A, 220-354-16000A, 220-354-18000A, 220-354-12000B, 220-354-16000B and 220-354-18000B; and amending WAC 220-354-120, 220-354-160, and 220-354-180.

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 provide for Pacific Salmon Commission authorized commercial fisheries in Puget Sound Management and Catch Reporting Areas 7 and 7A. 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 4.

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: August 3, 2018.

Kelly Susewind
Director

NEW SECTION

WAC 220-354-12000B Puget Sound salmon—Purse seine—Open periods. Notwithstanding the provisions of WAC 220-354-120, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

(1) **Purse Seines** - Open to purse seine gear according to the times, dates, and conditions as prescribed and listed below:

Hours	Dates
5:00 AM - 9:00 PM	August 6

(a) It is unlawful to retain Chinook, coho and chum.

(b) Purse seine are required to brail and fishers must also use a recovery box in compliance with WAC 220-354-100 (7)(a) through (f).

(c) All salmon and rockfish must be immediately sorted, and those required to be released must be placed in an operating recovery box or released into the water before the next brail may be brought on the deck. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.

(d) It is unlawful to fish for salmon with purse seine gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department issued certification card.

NEW SECTION

WAC 220-354-16000B Puget Sound salmon—Gill-net—Open periods. Notwithstanding the provisions of WAC 220-354-160, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

(1) **Gill Nets** - Open to gill net gear with 5 inch minimum and 5 1/2 inch maximum mesh size according to the times, dates, and conditions as prescribed and listed here:

Hours	Dates
8:00 AM - 11:59 PM	August 6

(a) It is unlawful to retain rockfish.

(b) It is unlawful to fish for salmon with gill net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department issued certification card.

NEW SECTION

WAC 220-354-18000B Puget Sound salmon—Reef net—Open periods. Notwithstanding the provisions of WAC 220-354-180, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

(1) **Reef Nets** - Open to reef net gear according to the times, dates, and conditions as prescribed and listed here:

Hours	Dates
5:00 AM - 9:00 PM	August 6 and August 8

(a) It is unlawful to retain unmarked Chinook, unmarked coho, and chum.

(b) It is unlawful to retain marked Chinook unless the reef net operator is in immediate possession of a Puget Sound Reef Net Logbook. All retained marked Chinook must be recorded in the log book in accordance with requirements of WAC 220-354-180.

(c) It is unlawful to fish for salmon with reef net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in immediate possession of a department issued certification card.

(4) **"Quick Reporting Fisheries":**

All fisheries opened under this section, and any fishery opening under authority of the Fraser Panel for sockeye in Puget Sound Salmon Management and Catch Reporting Areas (WAC 220-301-030), are designated as "Quick Reporting Required" per WAC 220-352-325 Puget Sound salmon and sturgeon—Additional reporting requirements and WAC 220-354-090 Puget Sound salmon—Quick reporting.

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 effective August 4, 2018:

WAC 220-354-12000A Puget Sound purse seines—Open periods.

WAC 220-354-16000A Puget Sound gill nets—Open periods

WAC 220-354-18000A Puget Sound reef nets—Open periods.

REPEALER

The following sections of the Washington Administrative Code are repealed effective August 9, 2018:

WAC 220-354-12000B Puget Sound purse seines—Open periods.

WAC 220-354-16000B Puget Sound gill nets—Open periods

WAC 220-354-18000B Puget Sound reef nets—Open periods.

WSR 18-17-024

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 18-183—Filed August 3, 2018, 3:57 p.m., effective August 6, 2018]

Effective Date of Rule: August 6, 2018.

Purpose: Amend recreational fishing rules for the Columbia River.

Citation of Rules Affected by this Order: Repealing WAC 220-312-06000R; 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 because elevated water temperatures in the Yakima River has [have] resulted in a barrier to fish passage. Sockeye returning to the Yakima River Basin are vulnerable to overharvest while staging in the Columbia River at the Yakima River confluence. 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: August 3, 2018.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-06000T Freshwater exceptions to statewide rules—Columbia River. Notwithstanding the provisions of WAC 220-312-060, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect. Effective August 6 through October 15, 2018:

(a) From HWY 395 Bridge at Pasco upstream to the Interstate 182 Bridge:

(i) Salmon, immediately through August 15, 2018:
Closed

(b) From Interstate 182 Bridge to Priest Rapids Dam:

(i) Salmon, immediately through August 15, 2018:

(A) Daily limit 6, no more than 2 adults may be retained.

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

(C) Salmon minimum length is 12 inches.

(c) Priest Rapids Dam to Rock Island Dam:

(i) Salmon, immediately through August 31, 2018:

(A) Daily limit 6, no more than 3 sockeye may be retained.

(B) Release adult Chinook and coho.

(C) Salmon minimum length is 12 inches.

(d) Rock Island Dam to Rocky Reach Dam:

(i) Salmon, effective immediately through October 15, 2018:

(A) Daily limit 6, no more than 3 sockeye may be retained.

(B) Release adult Chinook and coho.

(C) Salmon minimum length is 12 inches.

(e) Rocky Reach Dam to Wells Dam:

(i) Salmon, immediately through October 15, 2018:

(A) Daily limit 6, no more than 2 adult Chinook and 3 sockeye may be retained.

(B) Release wild adult Chinook and coho.

(C) Salmon minimum length is 12 inches.

(f) Wells Dam to Hwy. 173 Bridge at Brewster:

(i) Salmon, from August 1 through August 31, 2018:

(A) Daily limit 6, no more than 2 adult Chinook and 3 Sockeye may be retained.

(B) Release wild adult Chinook and coho.

(C) Salmon minimum length is 12 inches.

(g) Hwy. 173 Bridge at Brewster to Chief Joseph Dam:

(i) Salmon, from August 1 through October 15, 2018:

(A) Daily limit 6, no more than 2 adult Chinook and 3 Sockeye may be retained.

(B) Release wild adult Chinook and coho.

(C) Salmon minimum length is 12 inches.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 6, 2018:

WAC 220-312-06000R Freshwater exceptions to statewide rules—Columbia River. (18-172)

WSR 18-17-036

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 18-192—Filed August 7, 2018, 11:50 a.m., effective August 7, 2018, 11:50 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends recreational fishing rules for the Nisqually River.

Citation of Rules Affected by this Order: Repealing WAC 220-312-04000R and 220-312-04000S; 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 necessary to comply with fisheries agreements made with comanagers during North of Falcon proceedings. It is needed to avoid gear conflicts between tribal and recreational fishers. 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: August 7, 2018.

Joe Stohr
for Kelly Susewind
Director

NEW SECTION

WAC 220-312-04000S Freshwater exceptions to statewide rules—Puget Sound. Notwithstanding the provi-

sions of WAC 220-312-040, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect; effective immediately through September 30, 2018:

Nisqually River (Thurston Co.); from the mouth to military tank crossing bridge (located one mile upstream of mouth of Muck Creek): Closed waters on Sunday of each week.

REPEALER

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

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

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

WAC 220-312-04000S

WSR 18-17-052
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-194—Filed August 8, 2018, 3:51 p.m., effective August 8, 2018, 3:51 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational salmon fishing rules for Marine Areas 1 and 4.

Citation of Rules Affected by this Order: Repealing WAC 220-313-07000G; and amending WAC 220-313-070.

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 Catch Areas 1 and 4 are expected to reach their coho quotas by the end of the day August 12, sufficient quota remains for both Chinook and coho in Catch Areas 2 and 3 to remain open. These rules are adopted at the recommendation of the Pacific Fisheries Management Council. 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: August 8, 2018.

Kelly Susewind
Director

NEW SECTION

WAC 220-313-07000H Coastal salmon—Saltwater seasons and daily limits. Notwithstanding the provisions of WAC 220-313-070, effective immediately until further notice, it is unlawful to violate the provisions below. Unless otherwise amended, all permanent rules remain in effect:

(1) Catch Record Card Area 1:

(a) Immediately through August 12:

(i) Daily limit of 2 salmon; no more than one may be a Chinook.

(ii) Release wild coho.

(b) August 13 until further notice: Closed.

(c) Closed in the Columbia River Mouth Control Zone 1 during all open periods. See WAC 220-313-020.

(2) Catch Record Card Area 2:

(a) Immediately through September 3:

(i) Open Sundays through Thursdays, closed Fridays and Saturdays

(ii) Daily limit of 2 salmon; no more than one may be a Chinook.

(iii) Release wild coho.

(iv) Beginning August 13, the Grays Harbor Control Zone is closed. Grays Harbor Control Zone - The area defined by a line drawn from the Westport Lighthouse (46°53.18'N latitude, 124°07.01'W longitude) to Buoy #2 (46°52.42'N latitude, 124°12.42'W longitude) to Buoy #3 (46°55.00'N latitude, 124°14.48'W longitude) to the Grays Harbor north jetty (46°55.36'N latitude, 124°10.51'W longitude).

(b) September 4 until further notice - Closed.

(3) Willapa Bay (Catch Record Card Area 2-1):

(a) Immediately until further notice:

(i) Daily limit of 6 salmon; no more than 3 may be adult salmon of which only 1 may be a coho.

(ii) Release wild Chinook.

(iii) Beginning August 1, the Willapa Bay Control Zone is closed. The Willapa Bay Control Zone area is defined as waters east of a line drawn from Leadbetter Point (46°39.20'N, 124°3.516'W) due west to 46°39.20'N, 124°5.3'W then due north to the westerly most landfall on Cape Shoalwater (46°44.66'N, 124°5.3'W) and west of a line drawn from Leadbetter Point (46°39.20'N, 124°3.516'W) through green marker 11 to landfall.

(iv) Anglers may fish with two poles August 1, 2018 through January 31, 2019, provided they possess a valid two-pole endorsement.

(v) Waters north of a line from Toke Point channel marker 3 easterly through Willapa Harbor channel marker 13

(green) then, northeasterly to the power transmission pole located at 46°43.19'N, 123°50.83'W are closed August 1 through September 30.

(4) Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):

- (a) Immediately until further notice:
 - (i) Daily limit of 2 salmon.
 - (ii) Release wild coho.
 - (iii) Waters south of a line running from the south end of the eastern jetty at Ocean Shores Marina to the fishing boundary marker on Sand Island (46°57.52'N, 124°03.36'W) to the Tripod Station on Brackenridge Bluff (46°59.12'N, 124°00.72'W) are closed.

(b) The Westport Boat Basin and Ocean Shores Boat Basin are open August 16 until further notice.

- (i) Daily limit of 6 salmon; no more than 4 may be adult salmon.
- (ii) Release Chinook.
- (iii) Night closure and anti-snagging rule in effect.

(5) Grays Harbor (Catch Record Card Area 2-2 west of the Buoy 13 line):

(a) Immediately through August 12: Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

(b) August 13 until further notice: Closed.

(6) Catch Record Card Area 3:

- (a) Immediately through September 3:
 - (i) Daily limit of 2 salmon.
 - (ii) Release wild coho.
- (b) September 4 until further notice: Closed.

(7) Catch Record Card Area 4:

- (a) Immediately through August 12:
 - (iii) Daily limit of 2 salmon.
 - (iv) Release wild coho.
 - (v) Waters east of a true north-south line through Sail Rock are closed.
 - (vi) No chinook retention in waters east of the Bonilla-Tatoosh line beginning August 1.
 - (vii) Release chum salmon beginning August 1.
- (b) August 13 until further notice: Closed.

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 220-313-07000G Coastal salmon—Saltwater seasons and daily limits. (18-159)

**WSR 18-17-053
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 18-193—Filed August 8, 2018, 3:54 p.m., effective August 9, 2018]

Effective Date of Rule: August 9, 2018.

Purpose: Amends Puget Sound commercial salmon fisheries for Areas 7 and 7A.

Citation of Rules Affected by this Order: Repealing WAC 220-354-12000C, 220-354-16000C and 220-354-18000C; and amending WAC 220-354-120, 220-354-160, and 220-354-180.

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 provide for Pacific Salmon Commission authorized commercial fisheries in Puget Sound Management and Catch Reporting Areas 7 and 7A. 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 3.

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: August 8, 2018.

Kelly Susewind
Director

NEW SECTION

WAC 220-354-12000C Puget Sound salmon—Purse seine—Open periods. Notwithstanding the provisions of WAC 220-354-120, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

(1) **Purse Seines** - Open to purse seine gear according to the times, dates, and conditions as prescribed and listed below:

Hours	Dates
5:00 AM - 9:00 PM	August 9

(a) It is unlawful to retain Chinook, coho and chum.

(b) Purse seine are required to brail and fishers must also use a recovery box in compliance with WAC 220-354-100 (7)(a) through (f).

(c) All salmon and rockfish must be immediately sorted, and those required to be released must be placed in an operating recovery box or released into the water before the next brail may be brought on the deck. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.

(d) It is unlawful to fish for salmon with purse seine gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department issued certification card.

NEW SECTION

WAC 220-354-16000C Puget Sound salmon—Gill-net—Open periods. Notwithstanding the provisions of WAC 220-354-160, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

(1) **Gill Nets** - Open to gill net gear with 5 inch minimum and 5 1/2 inch maximum mesh size according to the times, dates, and conditions as prescribed and listed here:

Hours	Dates
8:00 AM - 11:59 PM	August 9

(a) It is unlawful to retain rockfish.

(b) It is unlawful to fish for salmon with gill net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department issued certification card.

NEW SECTION

WAC 220-354-18000C Puget Sound salmon—Reef net—Open periods. Notwithstanding the provisions of WAC 220-354-180, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

(1) **Reef Nets** - Open to reef net gear according to the times, dates, and conditions as prescribed and listed here:

Hours	Dates
5:00 AM - 9:00 PM	August 9

(a) It is unlawful to retain unmarked Chinook, unmarked coho, and chum.

(b) It is unlawful to retain marked Chinook unless the reef net operator is in immediate possession of a Puget Sound

Reef Net Logbook. All retained marked Chinook must be recorded in the log book in accordance with requirements of WAC 220-354-180.

(c) It is unlawful to fish for salmon with reef net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in immediate possession of a department issued certification card.

(4) "Quick Reporting Fisheries":

All fisheries opened under this section, and any fishery opening under authority of the Fraser Panel for sockeye in Puget Sound Salmon Management and Catch Reporting Areas (WAC 220-301-030), are designated as "Quick Reporting Required" per WAC 220-352-325 Puget Sound salmon and sturgeon—Additional reporting requirements and WAC 220-354-090 Puget Sound salmon—Quick reporting.

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 effective August 10, 2018:

WAC 220-354-12000C Puget Sound purse seines—Open periods.

WAC 220-354-16000C Puget Sound gill nets—Open periods

WAC 220-354-18000C Puget Sound reef nets—Open periods.

WSR 18-17-064

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 18-195—Filed August 9, 2018, 1:19 p.m., effective August 12, 2018]

Effective Date of Rule: August 12, 2018.

Purpose: Amends Puget Sound commercial salmon fisheries for Area 9A.

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

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 correct a date in the permanent rule which opens Puget Sound Salmon Management and Catch Reporting Area 9A to commercial gillnet fishing. These dates implement fishing plans agreed-to with resource comanagers.

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: August 9, 2018.

Ron Warren
for Kelly Susewind
Director

NEW SECTION

WAC 220-354-16000D Gillnet—Open periods. Notwithstanding the provisions of WAC 220-354-160, effective August 12 through August 18, 2018, it is permissible to fish in Puget Sound Salmon Management and Catch Reporting Area 9A with gillnet gear. Unless otherwise amended, all other permanent rules remain in effect.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 19, 2018:

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

WSR 18-17-072

EMERGENCY RULES

SECRETARY OF STATE

[Filed August 10, 2018, 2:25 p.m., effective August 10, 2018, 2:25 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Changing the ballot return process for non-service and nonoverseas voters to require return of ballots using the mail or a ballot drop box. Reducing email and fax ballot return to only service and overseas voters.

Citation of Rules Affected by this Order: Amending WAC 434-208-060 and 434-250-120.

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.

Reasons for this Finding: The office of the secretary of state has been alerted to evidence of illegal attempts to gain access to and interfere with electronic systems that Washing-

ton elections officials use during an election. None of these attempts was successful, but election security experts have recently advised Washington elections officials to take steps to reduce opportunities for bad actors to attempt to interfere with Washington elections through electronic means. These amendments maintain the ability of service and overseas voters to submit ballots by fax or email as required by federal and state statutes, while eliminating email and fax submission of other ballots in order to limit vulnerability and reduce the risk of election tampering. Accurate and fair elections are central to the general welfare of Washington's citizens.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 2, 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 2, 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: August 10, 2018.

Mark Neary
Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 14-06-040, filed 2/26/14, effective 3/29/14)

WAC 434-208-060 Electronic filings. (1) In addition to those documents specified by RCW 29A.04.255, the secretary of state or the county auditor shall accept and file in his or her office electronic transmissions of the following documents:

(a) The text of any proposed initiative, referendum, or recall measure and any accompanying documents required by law;

(b) Any minor party or independent candidate filing material for president and vice president, except nominating petitions;

(c) Lists of presidential electors selected by political parties or independent candidates;

(d) Voted ballots and signed ballot declarations from service and overseas voters received no later than 8:00 p.m. on election day (~~(-Voted ballots and signed ballot declarations from voters who are neither service nor overseas voters received no later than 8:00 p.m. on election day, as long as hard copies of the ballot and ballot declaration are received no later than the day before certification of the election));~~

(e) Resolutions from cities, towns, and other districts calling for a special election;

(f) Voter registration forms, unless the form is illegible or the signature image is poor quality requiring the county auditor to reject the form;

(g) Signed ballot declarations, and any accompanying materials, submitted pursuant to RCW 29A.60.165 and WAC 434-261-050; and

(h) Requests to withdraw.

(2) If payment of a fee is required, the electronic filing is not complete until the fee is received.

(3) No initiative, referendum, recall, or other signature petitions may be filed electronically.

(4) County auditors must use best practices provided by the secretary of state for securely handling documents received by fax and email.

AMENDATORY SECTION (Amending WSR 18-10-003, filed 4/19/18, effective 5/20/18)

WAC 434-250-120 Verification of the signature and return date. (1) A mail ballot shall be counted if:

(a) The ballot declaration is signed with a valid signature. A valid signature may be the voter's name or a distinctive mark or symbol signed by the voter.

(i) If the voter is unable to sign his or her name, the voter may make a mark or symbol with two witnesses' signatures. A signature stamp accompanied by two witness signatures is an acceptable mark.

(ii) A power of attorney cannot be used as a signature for a voter;

(b) The signature has been verified pursuant to WAC 434-379-020; and

(c)(i) The envelope is postmarked not later than the day of the election and received not later than the day before certification of the election. A postmark is any official mark, imprint, or application that verifies when a ballot entered the U.S. postal system. The postmark on the envelope is the official date of mailing. If there are two postmarks, the earlier postmark is the date of mailing. A hand cancellation by an agent of the U.S. Postal Service is a postmark.

If the postmark is illegible or missing, the date of the voter's signature is the date of mailing as per RCW 29A.40.110. If the postmark is illegible or missing and the voter did not include a date with their signature, county auditors may use available U.S. Postal Service tools to verify the date of mailing;

(ii) The ballot is deposited in a ballot drop box no later than 8:00 p.m. on election day; or

(iii) For service and overseas voters, the ballot is received by fax or email no later than 8:00 p.m. on election day. ((If the ballot is from a voter who is neither a service nor overseas voter, a hard copy of the ballot and ballot declaration must also be received no later than the day before certification of the election.)) Only service and overseas voters can submit ballots by fax or email.

(2) Postage that includes a date, such as meter postage or a dated stamp, does not qualify as a postmark. If an envelope lacks a postmark or if the postmark is unreadable, the date to which the voter has attested on the ballot declaration determines the validity of the ballot, per RCW 29A.40.110. If a ballot is from a service or overseas voter, the date to which the voter has attested on the ballot declaration determines the validity of the ballot, per RCW 29A.40.100.

(3) The signature on the ballot declaration must be compared with the signature in the voter's voter registration file using the standards established in WAC 434-379-020. The signature on a ballot declaration may not be rejected merely because the signature is not dated, unless the date is necessary to validate the timeliness of the ballot. The signature on a ballot declaration may not be rejected merely because the name in the signature is a variation of the name on the voter registration record. The canvassing board may designate in writing representatives to perform this function. All personnel assigned to the duty of signature verification shall subscribe to an oath administered by the county auditor regarding the discharge of his or her duties. Personnel shall be instructed in the signature verification process prior to actually canvassing any signatures. Local law enforcement officials may instruct those employees in techniques used to identify forgeries.

~~(4)((a))~~ For service and overseas ballots returned by fax or email, the county auditor must apply procedures to protect the secrecy of the ballot. If returned by email, the county auditor must print the email and attachments; the printed email and signed declaration page must be processed and retained like other ballot declarations, and the printed ballot must be processed and retained like other ballots. The electronic versions of the email, ballot declaration, and ballot are exempt from public disclosure in order to maintain secrecy of the ballot. Voted service and overseas ballots returned by email may be returned with multiple attachments or ~~((as))~~ in multiple emails.

~~((b) If the ballot is from a voter who is neither a service nor overseas voter, the voter must also return a hard copy of the ballot and ballot declaration no later than the day before certification.~~

~~(i) Consistent with WAC 434-250-080, the first valid ballot and declaration received is counted; subsequently received versions are not counted.~~

~~(ii) In order to maintain secrecy of the ballot, the hard copy ballot may not be compared to the ballot received electronically.~~

~~(iii) Voted ballots returned electronically no later than 8:00 p.m. on election day are timely even if the hard copy subsequently returned contains a postmark after election day.~~

~~((a))~~ (a) Service and overseas ballots returned ~~((electronically))~~ by fax or email with a missing or mismatched signature are processed as established in RCW 29A.60.165 and WAC 434-261-050.

(b) Only service and overseas voters are eligible to return a ballot electronically. For electronic ballots received from voters who are not service or overseas voters the county auditor must:

(i) Contact the voter immediately if a fax or email ballot is received to notify the voter that they must return their ballot by mail or ballot drop box.

(ii) Count only the ballot received by mail or ballot drop box if the voter returns both an electronic ballot and a ballot by mail or ballot drop box.

(iii) Send the electronic ballot to the canvassing board for rejection if the voter did not return a ballot by mail or ballot drop box.

(5) The signature verification process shall be open to the public, subject to reasonable procedures adopted and promulgated by the canvassing board to ensure that order is maintained and to safeguard the integrity of the process.

WSR 18-17-073
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-196—Filed August 10, 2018, 2:51 p.m., effective August 10, 2018, 2:51 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends rules for commercial harvest of sea cucumbers by opening the season.

Citation of Rules Affected by this Order: Amending WAC 220-340-730.

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 commercial sea cucumber season which is closed by permanent rule. Harvestable surpluses of sea cucumbers exist in the districts specified for commercial harvest. There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: August 10, 2018.

Jeff Davis
for Kelly Susewind
Director

NEW SECTION

WAC 220-340-73000G Commercial sea cucumber fishery. Notwithstanding the provisions of WAC 220-340-730, effective August 13, 2018, it is unlawful to take or possess sea cucumbers taken for commercial purposes except as provided for in this section:

(1) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 1, Monday through Friday of each week.

(2) Sea cucumber harvest using shellfish diver gear is allowed in the following Marine Fish-Shellfish Management and Catch Reporting Areas of Sea Cucumber District 2, Monday through Friday of each week: 29, 25A, 25B, 25C, 25D, 25E, 23A, 23D, and 23C east of a line projected true north from the shoreline at 123 degrees 48.3 minutes west longitude, and west of a line projected true north from the shoreline at 123 degrees 52.7 minutes west longitude.

(3) Sea cucumber harvest using shellfish diver gear is allowed in the following Marine Fish-Shellfish Management and Catch Reporting Areas of Sea Cucumber District 5, Monday through Friday of each week: 28B, 28C, 28D, and 28A except for all waters of Hale Passage and Wollochet Bay within the following lines: west of a line projected true south from the shoreline near Point Fosdick at 122° 35 minutes west longitude to 47° 14 minutes north latitude, and thence projected true west to the shoreline of Fox Island, and east of a line projected true south from the shoreline near Green Point at 122° 41 minutes west longitude to 47° 16.5 minutes north latitude, and thence projected true east to the shoreline of Fox Island.

(4) The maximum cumulative landing of sea cucumbers for each weekly fishery opening period is 1,800 pounds per valid designated sea cucumber harvest license.

WSR 18-17-074
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-190—Filed August 10, 2018, 3:27 p.m., effective August 10, 2018, 3:27 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 220-312-05000U; 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 the 2018 Columbia River forecasted return of upriver bright adult Chinook is two hundred thousand one hundred. A significant portion of these fish are expected to return to the Snake River. Retention of hatchery fall Chinook is not expected to increase impacts to Endangered Species Act listed wild fall Chinook. Therefore, adult hatchery Chinook and jack Chinook over twelve inches may be retained in the Snake River. There is insufficient time to adopt permanent rules.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 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: August 10, 2018.

Jeff Davis
for Kelly Susewind
Director

NEW SECTION

WAC 220-312-05000U Freshwater exceptions to statewide rules—Eastside. Notwithstanding the provisions of WAC 220-312-050, effective August 18 through October 31, 2018:

(1) **Snake River:** from the Burbank-to-Pasco railroad bridge at river mile 1.25 upstream to the Oregon State line:

(a) Salmon: open August 18 through October 31, 2018

(i) Daily limit 6.

(ii) Release all salmon other than adult hatchery Chinook and jack Chinook.

(b) Anglers must cease fishing for salmon and steelhead once either the daily limit for adult salmon or steelhead has been retained.

REPEALER

The following section of the Washington Administrative Code is repealed effective November 1, 2017:

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

**WSR 18-17-081
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 18-198—Filed August 13, 2018, 4:32 p.m., effective August 13, 2018, 4:32 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends Puget Sound commercial shrimp rules.

Citation of Rules Affected by this Order: Repealing WAC 220-340-52000S; and amending WAC 220-340-520.

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 pot fishery season for spot shrimp; (2) implements a shrimp weekly limit for all areas; (3) implements a minimum mesh size restriction for spot shrimp gear; (4) opens the 1B-21A trawl fishery season; (5) closes shrimp management area (SMA) 1A, 5, 1C and 3 (25A) to spot prawn harvest; (6) sets a weekly trip limit of six hundred pounds for spot shrimp; (7) sets a spot prawn weekly limit of three hundred pounds for SMA 1B or 3 (23A-C, 23D); and (8) maintains the previous regulations and restrictions for the nonspot trawl and pot fisheries. 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: August 13, 2018.

Joe Stohr
for Kelly Susewind
Director

NEW SECTION

WAC 220-340-52000T Puget Sound shrimp pot and trawl fishery—Season. Notwithstanding the provisions of WAC 220-340-520, effective immediately, 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 (SMA) 1B, 2E, 2W and 3 are open to the harvest of all shrimp species, effective immediately, until further notice, except as provided for in this section:

(i) All waters of the Discovery Bay Shrimp District are closed.

(ii) All waters of Shrimp Management Area 2E are closed to the harvest of spot shrimp.

(iii) All waters of Shrimp Management Area 2W are closed to the harvest of spot shrimp.

(iv) Waters of Shrimp Management Area 3 (23A East) are closed to the harvest of spot shrimp.

(v) Waters of Shrimp Management Area 3 (25A) are closed to the harvest of spot shrimp.

(vi) Waters of Shrimp Management Area 1A (20B and 22A West) are closed to the harvest of spot shrimp.

(b) Effective immediately, 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 weekly management period from Shrimp Management Area 2W and 2E combined.

(c) Effective immediately, until further notice, the shrimp weekly management period is Wednesday through Tuesday.

(d) Effective immediately, until further notice, it is unlawful for the combined total harvest of spot shrimp by a fisher or the fisher's alternate operator to exceed 600 pounds per weekly management period. No more than 300 pounds of the 600 pound weekly limit can come from SMA 1B or SMA 3 (23A Central, 23B).

(e) The current weekly spot shrimp management period is August 15 to August 21.

(f) Only pots with a minimum mesh size of 1 inch may be pulled on calendar days when fishing for or retaining spot shrimp. Mesh size of 1 inch is defined as a mesh opening that a 7/8-inch square peg will pass through, excluding the entrance tunnels, except for flexible (web) mesh pots, where the mesh must be a minimum of 1 3/4-inch stretch measure. Stretch measure is defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh, when the mesh is stretched vertically. There is no size restriction for spot shrimp.

(g) 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 is open.

(c) That portion of Catch Area 20B within SMA 1B is open.

(d) That portion of Catch Area 21A within SMA 1B is open until further notice.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-340-52000S Puget Sound shrimp pot and beam trawl fishery—Season. (18-180)

WSR 18-17-092

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 18-197—Filed August 14, 2018, 3:28 p.m., effective August 16, 2018]

Effective Date of Rule: August 16, 2018.

Purpose: Amend recreational fishing rules for the Big Quilcene River.

Citation of Rules Affected by this Order: Repealing WAC 220-312-04000T; 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 to allow anglers to more effectively target hatchery coho while reducing impacts of hooking mortality to Endangered Species Act listed summer chum. 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: August 14, 2018.

Joe Stohr
for Kelly Susewind
Director

NEW SECTION

WAC 220-312-04000T Freshwater exceptions to statewide rules—Puget Sound. Notwithstanding the provisions of WAC 220-312-040, effective August 16 through October 31, 2018, in waters of the Big Quilcene River from Rodgers Street Bridge upstream to Highway 101 Bridge: Selective Gear Rules are rescinded.

REPEALER

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

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

**WSR 18-17-101
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 18-202—Filed August 15, 2018, 10:43 a.m., effective August 17, 2018, 9:00 a.m.]

Effective Date of Rule: August 17, 2018, 9:00 a.m.

Purpose: Amends Puget Sound commercial salmon fisheries for Areas 7 and 7A.

Citation of Rules Affected by this Order: Repealing WAC 220-354-12000D, 220-354-16000E and 220-354-18000D; and amending WAC 220-354-120, 220-354-160, and 220-354-180.

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 provide for Pacific Salmon Commission authorized commercial fisheries in Puget Sound [Salmon] Management and Catch Reporting Areas 7 and 7A. 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 3.

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: August 15, 2018.

Joe Stohr
for Kelly Susewind
Director

NEW SECTION

WAC 220-354-12000D Puget Sound salmon—Purse seine—Open periods. Notwithstanding the provisions of WAC 220-354-120, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

(1) **Purse Seines** - Open to purse seine gear according to the times, dates, and conditions as prescribed and listed below:

Hours	Dates
9:00 AM - 5:00 PM	August 17

(a) It is unlawful to retain Chinook, coho and chum.

(b) Purse seine are required to brail and fishers must also use a recovery box in compliance with WAC 220-354-100 (7)(a) through (f).

(c) All salmon and rockfish must be immediately sorted, and those required to be released must be placed in an operating recovery box or released into the water before the next brail may be brought on the deck. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.

(d) It is unlawful to fish for salmon with purse seine gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department issued certification card.

NEW SECTION

WAC 220-354-16000E Puget Sound salmon—Gill-net—Open periods. Notwithstanding the provisions of WAC 220-354-160, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

(1) **Gill Nets** - Open to gill net gear with 5 inch minimum and 5 1/2 inch maximum mesh size according to the times, dates, and conditions as prescribed and listed here:

Hours	Dates
2:30 PM - 10:30 PM	August 17

(a) It is unlawful to retain rockfish.

(b) It is unlawful to fish for salmon with gill net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department issued certification card.

NEW SECTION

WAC 220-354-18000D Puget Sound salmon—Reef net—Open periods. Notwithstanding the provisions of WAC 220-354-180, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

(1) **Reef Nets** - Open to reef net gear according to the times, dates, and conditions as prescribed and listed here:

Hours	Dates
6:30 AM - 2:30 PM	August 18

(a) It is unlawful to retain unmarked Chinook, unmarked coho, and chum.

(b) It is unlawful to retain marked Chinook unless the reef net operator is in immediate possession of a Puget Sound Reef Net Logbook. All retained marked Chinook must be recorded in the log book in accordance with requirements of WAC 220-354-180.

(c) It is unlawful to fish for salmon with reef net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in immediate possession of a department issued certification card.

(2) **"Quick Reporting Fisheries":**

All fisheries opened under this section, and any fishery opening under authority of the Fraser Panel for sockeye in Puget Sound Salmon Management and Catch Reporting Areas (WAC 220-301-030), are designated as "Quick Reporting Required" per WAC 220-352-325 Puget Sound salmon and sturgeon—Additional reporting requirements and WAC 220-354-090 Puget Sound salmon—Quick reporting.

REPEALER

The following sections of the Washington Administrative Code are repealed effective August 19, 2018:

WAC 220-354-12000D Puget Sound purse seines—Open periods.

WAC 220-354-16000E Puget Sound gill nets—Open periods

WAC 220-354-18000D Puget Sound reef nets—Open periods.

**WSR 18-17-104
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 18-199—Filed August 15, 2018, 2:26 p.m., effective August 21, 2018]

Effective Date of Rule: August 21, 2018.

Purpose: Amend recreational shrimping rules in Puget Sound.

Citation of Rules Affected by this Order: Repealing WAC 220-330-07000K; and 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 12 to raise the daily limit on a trial basis. In Marine Area 12 sufficient amounts of spot shrimp remain to allow two more days 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 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: August 15, 2018.

Joe Stohr
for Kelly Susewind
Director

NEW SECTION

WAC 220-330-07000L Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-330-070, effective 12:00 p.m. August 21, 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) and 5 are open to the harvest of all shrimp species.

(2) All waters equal to or less than 200 feet in depth in Marine Areas 6 (excluding the Discovery Bay Shrimp District) and 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 will be open to the harvest of all shrimp species on August 21, 2018 from 12:00 p.m. through 4:00 p.m. and on August 22, 2018 from 12:00 p.m. through 4:00 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 220-330-01000E Shellfish—Daily limits. Notwithstanding the provisions of WAC 220-330-010, effective August 21, 2018 and August 22, 2018 in Marine Area 12 only it is permissible for any one person to take up to 100 shrimp for personal use in any one day.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 21, 2018:

WAC 220-330-07000K Shrimp—Areas and seasons. (18-151)

**WSR 18-17-105
EMERGENCY RULES
DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed August 15, 2018, 4:06 p.m., effective August 15, 2018, 4:06 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The department is amending WAC 388-825-091 Am I eligible for residential habilitation center (RHC) services?, and creating WAC 388-837-9010 Must a client in an ICF/IID be able to benefit from active treatment?, to correctly reflect federal ICF/IID eligibility requirements.

Citation of Rules Affected by this Order: New WAC 388-837-9010; and amending WAC 388-825-091.

Statutory Authority for Adoption: RCW 71A.12.030.

Other Authority: 42 C.F.R. 483.440.

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: These rules are necessary to comply with federal medicaid law. Failure to enact these rules immediately jeopardizes the receipt of federal funds.

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

Date Adopted: August 15, 2018.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-17-094, filed 8/18/15, effective 9/18/15)

WAC 388-825-091 Am I eligible for residential habilitation center (RHC) services? (1) If you are twenty-one years of age or over, you are eligible to receive residential habilitation center (RHC) services if:

(a) You have been determined to meet DDA eligibility criteria;

(b) You choose to receive services in the RHC;

(c) ~~((You need the level of care provided at the RHC; and (d)))~~ DDA has determined that you can be supported safely in an RHC environment and will not pose a danger to other residents of the RHC; ~~((or))~~ and

(d) You need the level of care provided at the RHC, which is either:

(i) Nursing facility level of care under WAC 388-106-0355 for a client admitted to a state-operated nursing facility;
or

(ii) Intermediate care facility for individuals with intellectual disabilities (ICF/IID) level of care under WAC 388-837-9010, WAC 388-828-1020, and 42 C.F.R. 483.440 for a client admitted to a state-operated ICF/IID.

(2) If you are sixteen through twenty years of age, and meet (1)(a) through (d) above you may not be admitted to receive services at a residential habilitation center unless there are no service options available in the community to appropriately meet your needs. Such admission is limited to

the provision of short-term respite or crisis stabilization services.

(3) If you are under age sixteen you are not eligible to receive services at a residential habilitation center.

(4) Admission to a nursing facility at a RHC also requires completion of preadmission screening and resident review (PASRR) requirements as described in chapter 388-97 WAC.

NEW SECTION

WAC 388-837-9010 Must a client in an ICF/IID be able to benefit from active treatment? An individual admitted to a residential habilitation center's intermediate care facility for individuals with intellectual disabilities must be in need of and able to benefit from continuous and aggressive active treatment.

WSR 18-17-108
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-203—Filed August 16, 2018, 9:06 a.m., effective August 17, 2018]

Effective Date of Rule: August 17, 2018.

Purpose: Amends recreational Puget Sound salmon rules.

Citation of Rules Affected by this Order: Repealing WAC 220-313-06000S; 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 sufficient quota for hatchery Chinook is available for harvest in Marine Area 11. Marine Area 10 must close Chinook harvest to avoid exceeding quota. 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: August 16, 2018.

Joe Stohr
for Kelly Susewind
Director

NEW SECTION

WAC 220-313-06000T Puget Sound salmon—Salt-water seasons and daily limits. Notwithstanding the provisions of WAC 220-313-060, the following rules apply effective August 17, 2018:

(1) Marine Area 5

(a) Open August 16 through September 30. Daily limit of 2 salmon. Release chum, Chinook and wild coho. 2 Additional sockeye salmon may be retained as part of the daily limit.

(2) Marine Area 6

(a) Open August 16 through September 30, 2018: Daily limit of 2 salmon. Release chum, Chinook and wild coho. 2 Additional sockeye salmon may be retained as part of the daily limit.

(3) Marine Area 7

(a) Open through September 3, 2018: Daily limit of 2 salmon; no more than one may be a Chinook salmon. Release chum. 2 Additional sockeye salmon may be retained as part of the daily limit. Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-313-020(7).

(b) Open September 4 through September 30, 2018:

(i) Daily limit of 2 salmon.

(ii) Release chum and Chinook.

(c) Closed to salmon fishing in Samish Bay area described in WAC 220-313-020(7).

(d) Waters of Bellingham Bay described in WAC 220-313-020(1): Open August 16 through September 30, 2018: Daily limit of 4 salmon; no more than 2 may be Chinook salmon.

(4) Marine Area 8-1

(a) Open through September 30, 2018: Daily limit 2 salmon. Release Chinook.

(5) Marine Area 8-2

(a) Open through September 23, 2018: Daily limit of 2 salmon. Release Chinook.

(6) Marine Area 9

(a) Open August 16 through September 30, 2018: Daily limit of 2 salmon. Release Chinook, chum and wild coho.

(b) Edmonds Fishing Pier: Open year-round. Daily limit of 2 salmon; No more than one may be a Chinook salmon. Release chum from August 1 through September 30, 2018.

(7) Marine Area 10

(a) Open through August 31, 2018: Daily limit of 2 salmon. Release chum and Chinook.

(b) Open September 1, 2018, until further notice: Daily limit of 2 salmon. Release Chinook. Release chum September 1 through September 15, 2018.

(c) Waters of Elliott Bay east of a line from West Point to Alki Point: Closed through August 31, except: In years ending in odd numbers: Those waters north of a line from Jack Block Park through the north tip of Harbor Island to shore northeast of the North Waterway (47°35.47'N,

122°20.58'W), open through August 31, 2018 from Friday through Sunday of each week only. Daily limit of 2. Release Chinook, chum and wild coho.

(d) Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge in Bremerton, south of a line true west from Battle Point, and west of a line drawn true south from Point White: Open through September 30, 2018. Daily limit of 3 salmon. Release wild Chinook and wild coho. Release chum from through September 15, 2018.

(8) Marine Area 11

(a) Open through September 30, 2018: Daily limit 2 salmon. Release Wild Chinook.

(b) Dash Point Dock, Les Davis Pier, Des Moines Pier, Redondo Pier, and Point Defiance Boathouse Dock, open year-round: Daily limit of 2 salmon; no more than one may be a Chinook salmon.

(9) Marine Area 12

(a) Open through September 30, 2018, in waters south of Ayock Point except waters listed in this subsection: Daily limit of 4 salmon. Release chum and wild Chinook.

(b) Waters within a 2,000-foot arc seaward of yellow buoys at the mouth of Finch Creek at Hoodspout Salmon Hatchery: Daily limit of 4 salmon. Release chum and wild Chinook. It is unlawful to fish for or possess salmon taken from these waters from one hour after sunset to one hour before sunrise. It is unlawful to fish from any Hoodspout Salmon Hatchery structure except persons with disabilities who permanently use a wheelchair and who have a designated harvester card under WAC 220-220-240 may fish from the ADA-access site at the Hoodspout Salmon Hatchery, as long as persons follow all applicable department rules.

(c) Waters north of a true east line from the mouth of Turner Creek to the Toandos Peninsula and south of a line true east of Broad Spit, open through August 31, 2018: Daily limit 4, no min. size. Release all salmon other than coho.

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 August 17, 2018:

WAC 220-313-06000S Puget Sound salmon—Saltwater seasons and daily limits. (18-171)

**WSR 18-17-112
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 18-200—Filed August 16, 2018, 4:18 p.m., effective August 16, 2018, 4:18 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this rule making is to provide for treaty Indian fishing opportunity in the Columbia River while protecting salmon 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 and federal law governing Washington's relationship with Oregon.

Citation of Rules Affected by this Order: Repealing WAC 220-359-02000U; and amending WAC 220-359-020.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.130, 77.12.045, and 77.12.047.

Other Authority: *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2008-2017 *United States v. Oregon* Management Agreement (Aug. 12, 2008) (Doc. No. 2546); Northwest *Gillnetters Ass'n v. Sandison*, 95 Wn.2d 638, 628 P.2d 800 (1981); Washington fish and wildlife commission policies concerning Columbia River fisheries; 40 Stat. 515 (Columbia River Compact).

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

Reasons for this Finding: This rule extends tribal sturgeon setline fisheries, sets tribal gillnet fisheries and continues tribal fall salmon fisheries, along with continuing treaty summer fisheries for commercial sales to Washington wholesale buyers and the public. The season is consistent with the 2008-2017 Management Agreement and the associated biological opinion. This rule is consistent with action of the Columbia River Compact on June 28, July 26 and August 14, 2018. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent regulations.

The Yakama, Warm Springs, Umatilla, and Nez Perce Indian tribes have treaty fishing rights in the Columbia River and inherent sovereign authority to regulate their fisheries. Washington and Oregon also have some authority to regulate fishing by treaty Indians in the Columbia River, authority that the states exercise jointly under the congressionally ratified Columbia River Compact. *Sohappy v. Smith*, 302 F. Supp. 899 (D. Or. 1969). The tribes and the states adopt parallel regulations for treaty Indian fisheries under the supervision of the federal courts. A court order sets the current parameters. *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 salmon and steelhead stocks in the Columbia River 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 the fisheries as described in the 2008-2017 *U.S. v. Oregon* Management Agreement.

Columbia River fisheries are monitored very closely to ensure consistency with court orders and ESA guidelines. Because conditions change rapidly, the fisheries are managed almost exclusively by emergency rule. As required by court order, the Washington (WDFW) and Oregon (ODFW) departments of fish and wildlife convene public hearings and invite tribal participation when considering proposals for new emergency rules affecting treaty fishing rights. *Sohappy*, 302 F. Supp. at 912. WDFW and ODFW then adopt regulations reflecting agreements reached.

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: August 16, 2018.

Joe Stohr
for Kelly Susewind
Director

NEW SECTION

WAC 220-359-02000V Columbia River salmon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-359-010, WAC 220-359-020, WAC 220-359-030, and WAC 220-359-090, effective immediately until further notice, it is unlawful for a person to take or possess salmon, steelhead, sturgeon, shad, carp, catfish, walleye, bass, or yellow perch taken for commercial purposes in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, and 1H. However, those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, steelhead, sturgeon, shad, carp, catfish, walleye, bass, or yellow perch under the following provisions:

(1) Open Areas: SMCRA 1F (Bonneville Pool)

(a) Season: Immediately to 6 PM Saturday, August 25, 2018

(b) Gear: Setline Gear. Fishers are encouraged to use circle hooks and avoid J-hooks. It is unlawful to use setline gear with more than 100 hooks per set line, with hooks less than the minimum size of 9/0, with treble hooks, without visible buoys attached, and with buoys that do not specify operator and tribal identification.

(c) Allowable sale: Sturgeon from 38 to 54 inches fork length in the Bonneville Pool may be sold or kept for subsistence purposes. Sturgeon within the legal size limit and caught in the platform and hook and line fishery may only be sold if caught during the open period and open area of the set line fishery. Fish landed during the open periods are allowed to be sold after the period concludes.

(d) Standard river mouth and dam sanctuary closures remain in place for this gear.

(2) Open Areas: SMCRA 1F, 1G, 1H (Zone 6)

(a) Season: 6 AM Monday, August 27 to 6 PM Thursday, August 30, 2018

6 AM Monday, September 3 to 6 PM Friday, September 7, 2018

(b) Gear: Set and Drift gillnets with an 8-inch minimum mesh restriction

(c) Allowable sale: Salmon (any species), steelhead, shad, yellow perch, bass, walleye, catfish, and carp may be sold or retained for subsistence. Fish landed during the open periods are allowed to be sold after the period concludes. Sturgeon may not be sold, but sturgeon from 38 to 54 inches fork length in the Bonneville Pool and sturgeon from 43 to 54 inches fork length in The Dalles and John Day pools may be kept for subsistence purposes

(d) Standard river mouth and dam closed areas applicable to gillnet gear, including the Spring Creek Hatchery sanctuary are in effect.

(3) Open Areas: SMCRA 1F, 1G, 1H (Zone 6)

(a) Season: Effective immediately until further notice.

(b) Gear: Hoop nets/bag nets, dip nets, and rod and reel with hook and line.

(c) Allowable sale: Salmon (any species), steelhead, shad, yellow perch, bass, walleye, catfish, and carp may be sold or retained for subsistence. Sturgeon of legal size may be sold if landed during the open area and period for the setline fishery within that pool, otherwise sturgeon from 38 to 54 inches fork length in the Bonneville Pool and sturgeon from 43 to 54 inches fork length in The Dalles and John Day Pools may be kept for subsistence purposes. Fish landed during the open periods are allowed to be sold after the period concludes.

(d) Standard river mouth and dam sanctuary closures remain in place for this gear.

(4) Open Areas: Drano Lake and Klickitat River

(a) Season: Effective immediately until further notice and only during days and times open under lawfully enacted Yakama Nation tribal subsistence fishery regulations for enrolled Yakama Nation members.

(b) Gear: Hoop nets/bag nets, dip nets, and rod and reel with hook and line. Gillnets may only be used in Drano Lake.

(c) Allowable sale: Salmon (any species), steelhead, shad, yellow perch, bass, walleye, catfish, and carp may be sold or retained for subsistence. Sturgeon may not be sold. Sturgeon from 38 to 54 inches fork length may be kept for subsistence.

(5) Open Areas: Areas downstream of Bonneville Dam defined in tribal/state MOU's/MOA's.

(a) Season: Effective immediately through 11:59 PM Wednesday, October 31, 2018 and only during days and times opened under tribal rules.

(b) Gear: Hook and line and/or platform gear identified in tribal rules.

(c) Allowable sale: Salmon (any species), steelhead, shad, yellow perch, bass, walleye, catfish, and carp may be sold or retained for subsistence. Sturgeon may not be retained in fisheries downstream of Bonneville Dam. Sales of fish are not authorized on COE property downstream of Bonneville Dam. Fish must be transported elsewhere for sale. Fish landed during the open periods are allowed to be sold after the period concludes.

(6) 24-hour quick reporting is required for Washington wholesale dealers for all areas as provided in WAC 220-352-315, except that all landings from treaty fisheries described

above must be reported within 24-hours of completing the fish ticket (not 24-hours after the period concludes).

(7) Fish caught during the open period may be sold after the period concludes.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-359-02000U Columbia River salmon seasons above Bonneville Dam. (18-176)

WSR 18-17-113 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 18-201—Filed August 16, 2018, 4:20 p.m., effective August 21, 2018, 9:00 p.m.]

Effective Date of Rule: August 21, 2018, 9:00 p.m.

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 220-358-03000S; 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: Sets the 2018 fall commercial seasons in Zone 4 and 5 and continues the select area fisheries previously set. In select area fisheries, impacts to nonlocal stocks are expected to be minimal and local Chinook stocks reared for the select area sites are available for harvest. 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 the compact action of July 26 and August 14, 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, the 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: August 16, 2018.

Joe Stohr
for Kelly Susewind
Director

NEW SECTION

WAC 220-358-03000T 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) Zones 4-5

(a) **Dates:** 9 PM Tuesday August 21 to 6 AM Wednesday August 22, 2018

9 PM Thursday August 23 to 6 AM Friday August 24, 2018

9 PM Sunday August 26 to 6 AM Monday August 27

(b) **Area:** The deadline at the lower end of Zone 4 is defined as a straight line projected from the Warrior Rock Lighthouse on the Oregon shore easterly through the green navigation Buoy #1 and continuing to the Washington shore. Washougal and Sandy River sanctuaries are in effect.

(c) **Gear:** Gillnets with a 9-inch minimum mesh size. Multiple net rule NOT in effect, which means nets not authorized for this fishery may not be onboard. Lighted buoys required.

(d) **Allowable Sales:** Chinook, Coho, Pink, and Sockeye salmon, shad, and white sturgeon. A maximum of six 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). This white sturgeon possession and sales limit applies to mainstem fisheries only.

(e) **Miscellaneous:** 24-hour quick reporting required for Washington buyers, pursuant to WAC 220-352-315.

(2) Tongue Point/South Channel

(a) **Dates:** Monday and Wednesday nights during August 27 through 30, 2018.

Monday, Tuesday, Wednesday and Thursday nights September 3 - October 26, 2018

Open Hours: 7 PM - 7 AM through September 7 and 4 PM - 10 AM thereafter

(b) **Area:** The Tongue Point Area is defined as those waters of the Columbia River bounded by a line from a regulatory marker (46.20863 degrees N, -123.75944 degrees W) on the eastern shore of Tongue Point to the flashing green USCG light "3" on the rock jetty at the northwest tip 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 (46.18270 degrees N, -123.74313 degrees W) located on the Oregon shore 300 yards northwest of the railroad bridge crossing the John Day River projecting easterly to a regulatory marker on Lois Island.

The South Channel 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 projecting westerly to the eastern tip of Burnside Island.

(c) **Gear:** Gillnets with a 6-inch maximum mesh size. Maximum net length of 250 fathoms.

In the Tongue Point fishing area: weight not to exceed two pounds in any one fathom. Fishers participating in the Tongue Point fishery may have un-stored gillnets legal for the South Channel fishing area onboard their fishing vessel.

In the South Channel fishing area: 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 this fishery may be onboard the 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. Nets fished any time between official sunset and official sunrise must have lighted buoys on both ends of the net. If the net is attached to the boat, then one lighted buoy on the end of the net opposite the boat is required.

(d) **Allowable Sales:** Chinook, coho, pink, and sockeye salmon, white sturgeon, and shad. A maximum of **four** 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). The white sturgeon possession and sales limit includes all Select Area fisheries.

(e) **Miscellaneous:** Permanent transportation rules in effect.

(3) Blind Slough/Knappa Slough Select Area

(a) **Dates:** Monday and Wednesday nights August 27-30, 2018.

Monday, Tuesday, Wednesday, and Thursday nights September 3 - October 26, 2018

Open hours: 7 PM - 7 AM through September 7 and 6 PM - 10 AM thereafter.

(b) **Area:**

The Blind Slough 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 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 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.

The waters of Knappa Slough within a 100-foot radius of the railroad bridge crossing Big Creek are closed.

(c) **Gear:**

Gillnets. Maximum mesh size restriction is 9 3/4-inch through September 7, and 6-inch thereafter. Maximum net length of 100 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 this fishery may be onboard the 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. Nets fished any time between official sunset and official sunrise must have lighted buoys on both ends of the net. If the net is attached to the boat, then one lighted buoy on the end of the net opposite the boat is required.

(d) **Allowable sales:** Chinook, coho, pink, and sockeye salmon, white sturgeon, and shad. A maximum of **four** 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). The white sturgeon possession and sales limit includes all Select Area fisheries.

(e) **Miscellaneous:** Permanent transportation rules in effect.

(4) Deep River Select Area

(a) **Dates:** Monday and Wednesday nights during August 27-30, 2018.

Monday, Tuesday, Wednesday, Thursday, and Friday nights September 3-September 22, 2018

Monday, Tuesday, Wednesday, and Thursday nights September 24-October 12, 2018

Open hours: 7 PM-7 AM during August 27-30, and 6 PM-9 AM thereafter.

(b) **Area:** The Deep River fishing area includes all waters from West Deep River Road Bridge at the town of Deep River downstream to the mouth defined by a line from USCG navigation marker #16 southwest to a marker on the Washington shore.

(c) **Gear:** Gillnets. Maximum mesh size restriction is 9 3/4-inch through September 8, and 6-inch thereafter. Maximum net length is 100 fathoms. No weight restriction on leadline. Use of additional weights or anchors attached directly to the leadline is allowed. No nets can be tied off to stationary structures. Nets may not fully cross the navigation channel. It is unlawful to operate in any river, stream or channel with any gillnet gear longer than three-fourths the width of the river, stream, or channel. "River, stream, or channel width" is defined as bank-to-bank, where the water meets the banks, regardless of the time of tide or the water level. This emergency provision shall supersede the permanent regulation and all other regulations that conflict with it.

Nets not specifically authorized for use in this fishery may be onboard the 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. Nets fished any time between official sunset and official sunrise must have lighted buoys on both ends of the net. If the net is attached to the boat, then one lighted buoy on the end of the net opposite the boat is required.

(d) **Allowable sales:** Chinook, coho, pink, and sockeye salmon, white sturgeon, and shad. A maximum of four 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). The white sturgeon possession and sales limit includes all Select Area fisheries.

(e) **Miscellaneous:** Permanent transportation rules in effect.

(5) **24-hour** quick reporting is in effect for Washington buyers WAC 220-352-315. 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 220-358-010(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 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 9:00 p.m. August 21, 2018:

WAC 220-358-03000S Columbia River seasons below Bonneville. (18-177)

**WSR 18-17-114
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 18-204—Filed August 16, 2018, 4:38 p.m., effective August 18, 2018]

Effective Date of Rule: August 18, 2018.

Purpose: Amend recreational salmon and steelhead rules in the Columbia River, Wind River, and Drano Lake.

Citation of Rules Affected by this Order: Repealing WAC 220-312-06000T; and amending WAC 220-312-060 and 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 is needed to reduce steelhead impacts as cumulative steelhead passage over Bonneville is behind expectations, particularly during a time with elevated water temperatures. There is insufficient time to promulgate 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 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: August 16, 2018.

Joe Stohr
for Kelly Susewind
Director

NEW SECTION

WAC 220-312-06000U Freshwater 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. Effective August 18 until further notice:

(a) From a true north and south line through Buoy 10 to Highway 395 Bridge in Pasco: closed to fishing at night for salmon and steelhead.

(b) Priest Rapids Dam to Rock Island Dam:

(i) Salmon, immediately through August 31, 2018:

(A) Daily limit 6, no more than 3 sockeye may be retained.

(B) Release adult Chinook and coho.

(C) Salmon minimum length is 12 inches.

(c) Rock Island Dam to Rocky Reach Dam:

(i) Salmon, immediately through October 15, 2018:

(A) Daily limit 6, no more than 3 sockeye may be retained.

(B) Release adult Chinook and coho.

(C) Salmon minimum length is 12 inches.

(d) Rocky Reach Dam to Wells Dam:

(i) Salmon, immediately through October 15, 2018:

(A) Daily limit 6, no more than 2 adult Chinook and 3 sockeye may be retained.

(B) Release wild adult Chinook and coho.

(C) Salmon minimum length is 12 inches.

(e) Wells Dam to Hwy. 173 Bridge at Brewster:

(i) Salmon, immediately through August 31, 2018:

(A) Daily limit 6, no more than 2 adult Chinook and 3 Sockeye may be retained.

(B) Release wild adult Chinook and coho.

(C) Salmon minimum length is 12 inches.

(f) Hwy. 173 Bridge at Brewster to Chief Joseph Dam:

(i) Salmon, immediately through October 15, 2018:

(A) Daily limit 6, no more than 2 adult Chinook and 3 Sockeye may be retained.

(B) Release wild adult Chinook and coho.

(C) Salmon minimum length is 12 inches.

NEW SECTION

WAC 220-312-03000B Freshwater exceptions to statewide rules—Southwest. Notwithstanding the provisions of WAC 220-312-030, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect. Effective August 18 until further notice:

(1) Drano Lake:

(a) Closed to fishing at night for salmon and steelhead.

(b) Release all steelhead.

(2) Wind River from mouth to 400' below Shipherd Falls fish ladder:

(a) Closed to fishing at night for salmon and steelhead.

(b) Release all steelhead.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 18, 2018:

WAC 220-312-06000T Freshwater exceptions to statewide rules—Columbia River. (18-183)

WSR 18-17-126**EMERGENCY RULES****DEPARTMENT OF****FISH AND WILDLIFE**

[Order 18-205—Filed August 17, 2018, 1:17 p.m., effective August 17, 2018, 1:17 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend commercial squid rules.

Citation of Rules Affected by this Order: Amending WAC 220-340-770 and 220-340-030.

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

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

Reasons for this Finding: This emergency rule is needed to align the commercial squid rules with provisions of the 2017-2022 Puget Sound Squid Management Plan. 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: August 17, 2018.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-77000A Commercial squid fishery Notwithstanding the provisions of WAC 220-340-770, effective 12:00 p.m. August 20, 2018, until further notice, the following applies to Puget Sound as defined in WAC 220-340-010 only, and provided that unless otherwise amended, all permanent rules remain in effect:

It is unlawful fish for squid for commercial purposes with drag seine gear.

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 220-340-03000C Shellfish harvest logs Notwithstanding the provisions of WAC 220-340-030, effective 12:00 p.m. August 20, 2018, until further notice the following applies to Puget Sound as defined in WAC 220-340-010 only, and provided that unless otherwise amended, all permanent rules remain in effect:

(a) It is unlawful for vessel operators engaged in commercial harvest of squid, except when taken incidental to any other lawful fishery, to fail to permanently and legibly record in ink the following information before leaving the Marine Fish-Shellfish Management and Catch Reporting Area where taken:

(i) The vessel's Washington department of fish and wild-life boat registration number, gear type, catch area, location (nearest landmark, bay, or GPS coordinates), starting and ending time of fishing, total vessel wattage of attracting lights, average depth of harvest, and numbers of other species caught and returned.

(ii) Weight in pounds of squid upon landing or delivery to an original purchaser or receiver.

WSR 18-17-135

EMERGENCY RULES

WASHINGTON STATE UNIVERSITY

[Filed August 20, 2018, 11:31 a.m., effective August 20, 2018, 11:31 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: To update the safety rules for spectator events. Specifically the restrictions regarding allowable and prohibited bags and containers and other prohibited items in university event sites are updated.

Citation of Rules Affected by this Order: Amending WAC 504-36-030.

Statutory Authority for Adoption: RCW 28B.30.150.

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

Reasons for this Finding: In order to meet industry best practices applicable to safety and security at PAC-12 (Pacific Athletic Conference) and NCAA (National Collegiate Athletic Association) events, the university administration is implementing a "clear bag" policy along with other item restrictions. Clear bags help streamline the security process for entry into university events and allow for greater visibility of items being brought into the venues. This policy mirrors those implemented by a majority of peer institutions. Emergency rules are needed to implement the policy changes for the fall 2018 semester athletic season. Equivalent permanent

rules are intended for adoption in November 2018, to become effective by January 1, 2019.

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

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

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

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

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

Date Adopted: August 20, 2018.

Deborah L. Bartlett, Director
Procedures, Records, and Forms and
University Rules Coordinator

AMENDATORY SECTION (Amending WSR 17-11-010, filed 5/8/17, effective 6/8/17)

WAC 504-36-030 Spectator events—Safety rules. (1) Protection of the safety and general welfare of students, faculty and staff, performers and officials, and members of the general public attending or participating in spectator events on campus is a primary concern of Washington State University.

(2) The following rules of conduct apply to all spectator events of Washington State University. "Spectator event," for the purposes of this section, means ticketed or nonticketed athletic or entertainment events held on any portion of university property, including, but not limited to, Martin Stadium and the Beasley Coliseum (hereafter the "event site").

(a) Behavior which in the judgment of designated university officials constitutes a disruption of the event or a safety hazard for other spectators or participants is prohibited.

(b) For ticketed events, an individual is entitled to occupy only the seat for which he or she has the proper ticket.

(c) Photographing or making audio or visual recordings of a spectator event for commercial purposes is not permitted without specific written permission from the WSU athletic department (for athletic events) or the performer and applicable designated university official (for entertainment events).

(d) Aisles, walkways, and stairs must be kept clear of hazards and obstacles at all times to ensure safe and easy passage for all persons.

(e) Possession and/or consumption of illegal drugs or marijuana is prohibited. Possession and/or consumption of alcoholic beverages is permitted subject to restrictions.

(i) Any illegal drugs, marijuana, or alcoholic beverages, except for such beverages provided in accordance with (e)(ii) of this subsection, found in the possession of a spectator or otherwise found on the event site may be confiscated and

delivered to the custody of designated university officials for law enforcement purposes or for disposal, as appropriate.

(ii) Alcoholic beverages may be possessed, sold, served, and consumed at event sites only under a valid permit or license issued by the Washington state liquor and cannabis board. Events at which alcoholic beverages are possessed, sold, served, and consumed must comply with the restrictions imposed by the Washington state liquor and cannabis board and restrictions and policies imposed by the university, have restricted attendance, and be limited to specified room(s) or area(s). Possession, consumption, service, dispensation, or sale of alcohol is prohibited except to persons of legal age.

(f) Smoking and other uses of tobacco and/or nicotine products are prohibited in all areas of the Pullman campus in accordance with chapter 504-38 WAC and all areas of the Vancouver campus in accordance with chapter 504-37 WAC.

(g) Each spectator is allowed to bring one empty nondisposable water bottle into the event site, provided that the capacity of the water bottle is no more than one and one-half liters. All other beverage containers and devices used for carrying beverage containers are prohibited. All such items are subject to a visual inspection by designated university officials upon entry to the event site. If designated university officials make the determination that a given container or device is prohibited, the possessor of the container or device must remove the container or device from the event site premises or may surrender the container or device to such designated university officials for disposal.

(h) Each spectator is allowed to bring ~~((one soft sided))~~ the following sizes and styles of bags into the event site, provided ~~((such bag is no larger than fourteen inches by eight inches by fourteen inches and))~~ that, for seated events, ~~((is))~~ the bags are small enough to fit completely under the spectator's seat, where such bags must be kept. ~~((All other))~~

(i) Bags made of clear plastic, vinyl, or PVC that are no larger than fourteen inches by eight inches by fourteen inches.

(ii) Clear drawstring bags that are no larger than fourteen inches by fourteen inches.

(iii) One gallon clear plastic freezer bags (Ziploc bag or similar).

(iv) Small clutch bags, with or without a handle strap, that are no larger than four and one-half inches by six and one-half inches (the approximate size of a hand).

(v) Exceptions are made for medically necessary items after proper inspection upon entrance.

(vi) The clear bag policy is enforced at various venues at the discretion of university personnel and management. Exceptions may also be made depending on the venue.

(i) Prohibited bags and containers ~~((are prohibited.))~~ include, but are not limited to:

(i) Purses larger than a clutch bag;

(ii) Coolers;

(iii) Briefcases;

(iv) Backpacks;

(v) Fanny packs;

(vi) Cinch bags;

(vii) Luggage of any kind;

(viii) Computer or camera bags;

(ix) Binocular cases;

(x) Any bag larger than the permissible sizes specified in subsection (h) of this section.

(j) Spectators are allowed to bring personal items, e.g., keys, cellular telephones, wallet, makeup, in their pockets if they choose not to use a clear bag.

(k) Additional items such as diapers, wipes, and other supplies for babies and small children are allowed if placed in an approved clear bag.

(l) All ~~((such))~~ items are subject to a visual inspection by designated university officials upon entry into the event site. If designated university officials make the determination that a given bag is prohibited, the possessor of the bag must remove the bag from the event site premises or may surrender the bag to such designated university officials for disposal.

~~((+))~~ (m) The following items are also prohibited in the event site:

(i) Fireworks, weapons, explosive devices, or artificial noisemaking devices (such as airhorns);

(ii) Items deemed dangerous or unacceptable by designated university officials;

(iii) Drones;

(iv) Laser pointers;

(v) Extension items used to hold cellular telephones or cameras in place (e.g., "selfie sticks");

(vi) Flag poles, or any items that act as an extension of an arm and have a flag or sign affixed;

(vii) Footballs, frisbees, sport balls, any kind of inflatable balls, or any other projectiles;

(viii) Umbrellas;

(ix) Seat cushions with rigid frames. Seatback cushions must:

(A) Be soft sided;

(B) Contain no pockets or zippers; and

(C) Be no wider than eighteen inches.

(x) Pets or animals, except as allowed by WAC 504-36-020 or as otherwise required by state or federal law;

~~((+))~~ (xi) Food and beverages, unless purchased from a vendor within the event site.

(3) Where there is reasonable cause to believe that a person is violating, or is attempting to violate, the requirements identified in subsection (2) of this section, such person is denied license or privilege to enter or remain in or upon the event site premises, and designated university officials may take necessary action to deny entry or to remove such persons from the event site premises.

Prohibited items found in the possession of a spectator or otherwise found on the event site are to be confiscated and delivered to the custody of designated university officials for law enforcement purposes or for disposal, as appropriate. Violation of the requirements identified in subsection (2) of this section or failure to vacate the event site premises upon request of designated university officials may result in university disciplinary action (if applicable) and/or subsequent legal proceedings under federal or state law and/or the Washington Administrative Code.

(4) For purposes of this section, designated university officials include the president of the university, the vice president for finance and administration, and the following officials:

(a) Director of athletics or designee for athletic events;

(b) Director of the Beasley Coliseum or designee for Beasley Coliseum events;

(c) Director of the Compton Union Building or designee for events in the Compton Union Building;

(d) Director of the School of Music or designee for events sponsored by that school;

(e) The WSU executive director of public safety or designee;

(f) Officers of the WSU police department when (i) acting at the request of any of the above-named officials to enforce university regulations, or (ii) enforcing state laws or local ordinances;

(g) Contracted or hired security personnel and crowd management personnel when acting at the direction of the above-named officials or designees to enforce university regulations.

WSR 18-17-165
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-208—Filed August 21, 2018, 3:52 p.m., effective August 21, 2018, 3:52 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends Puget Sound commercial shrimp rules.

Citation of Rules Affected by this Order: Repealing WAC 220-340-52000T; and amending WAC 220-340-520.

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 pot fishery season for spot shrimp; (2) implements a nonspot and spot shrimp weekly limit for all areas; (3) implements a minimum mesh size restriction for spot shrimp gear; (4) opens the 1B-21A trawl fishery season; (5) maintains the closures of SMA 1A, 5, 1C and 3 (25A) to spot prawn harvest; (6) sets a weekly trip limit of six hundred pounds for spot shrimp; (7) sets a spot prawn weekly limit of three hundred pounds for SMA 1B or 3 (23A West); (8) sets a spot prawn weekly limit of one hundred fifty pounds for SMA 3 (23A Central, 23B); and (9) maintains the previous regulations and restrictions for the nonspot trawl and pot fisheries. 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: August 21, 2018.

Joe Stohr
for Kelly Susewind
Director

NEW SECTION

WAC 220-340-52000U Puget Sound shrimp pot and trawl fishery—Season. Notwithstanding the provisions of WAC 220-340-520, effective immediately, 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 (SMA) 1B, 2E, 2W and 3 are open to the harvest of all shrimp species, effective immediately, until further notice, except as provided for in this section:

(i) All waters of the Discovery Bay Shrimp District are closed.

(ii) All waters of Shrimp Management Area 2E are closed to the harvest of spot shrimp.

(iii) All waters of Shrimp Management Area 2W are closed to the harvest of spot shrimp.

(iv) Waters of Shrimp Management Area 3 (23A East) are closed to the harvest of spot shrimp.

(v) Waters of Shrimp Management Area 3 (25A) are closed to the harvest of spot shrimp.

(vi) Waters of Shrimp Management Area 1A (20B and 22A West) are closed to the harvest of spot shrimp.

(b) Effective immediately, 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 weekly management period from Shrimp Management Area 2W and 2E combined.

(c) Effective immediately, until further notice, the shrimp weekly management period is Wednesday through Tuesday.

(d) Effective immediately, until further notice, it is unlawful for the combined total harvest of spot shrimp by a fisher or the fisher's alternate operator to exceed 600 pounds per weekly management period. No more than 300 pounds of the 600 pound weekly limit can come from SMA 1B (20B, 22A East, 21A) or SMA 3 (23A West). No more than 150 pounds of the 600 pound weekly limit can come from SMA 3 (23A Central, 23B).

(e) The current weekly spot shrimp management period is August 22 to August 28.

(f) Only pots with a minimum mesh size of 1 inch may be pulled on calendar days when fishing for or retaining spot

shrimp. Mesh size of 1 inch is defined as a mesh opening that a 7/8-inch square peg will pass through, excluding the entrance tunnels, except for flexible (web) mesh pots, where the mesh must be a minimum of 1 3/4-inch stretch measure. Stretch measure is defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh, when the mesh is stretched vertically. There is no size restriction for spot shrimp.

(g) 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 is open.

(c) That portion of Catch Area 20B within SMA 1B is open.

(d) That portion of Catch Area 21A within SMA 1B is open until further notice.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-340-52000T Puget Sound shrimp pot and beam trawl fishery—Season. (18-198)