

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

[Order 18-209—Filed August 23, 2018, 4:27 p.m., effective August 23,
2018, 4:27 p.m.]

Effective Date of Rule: Immediately upon filing.

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

Citation of Rules Affected by this Order: Repealing WAC 220-354-30000L; 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: Sufficient harvestable quota remains for the troll fleet in Areas 1, 3 and 4 to increase the weekly possession and landing limit in these areas. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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

Kelly Susewind
Director

NEW SECTION

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

(1) Salmon Management and Catch Reporting Areas 1, 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 85 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 85 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.

(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:

WAC 220-354-30000L Coastal commercial salmon troll.
(18-184)

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

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

[Order 18-210—Filed August 23, 2018, 4:29 p.m., effective August 23, 2018, 4:29 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends recreational coastal saltwater salmon rules.

Citation of Rules Affected by this Order: Repealing WAC 220-313-07000H; 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: Sufficient quota remains for both Chinook and coho in Catch Area 2 to open salmon fishing seven days per week and to include two Chinook in the daily limit. 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 23, 2018.

Kelly Susewind
Director

NEW SECTION

WAC 220-313-07000I 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 until further notice: Closed.

(b) 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) Daily limit of 2 salmon.

(ii) Release wild coho.

(iii) 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) 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 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 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 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 until further notice: Closed.

(6) Catch Record Card Area 3:

- (a) Immediately through September 3:
- (iv) Daily limit of 2 salmon.
- (v) Release wild coho.

(b) September 4 until further notice: Closed.

(7) Catch Record Card Area 4:

(a) Immediately 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 220-313-07000H Coastal salmon—Saltwater seasons and daily limits. (18-194)

**WSR 18-18-011
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 18-214—Filed August 23, 2018, 4:30 p.m., effective August 24, 2018]

Effective Date of Rule: August 24, 2018.

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

Citation of Rules Affected by this Order: Repealing WAC 220-340-73000G; and 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 close commercial harvest of sea cucumbers in District 2E because there is no remaining surplus of sea cucumbers in this district. Harvestable surpluses of sea cucumbers exist in the districts specified. 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 23, 2018.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-73000H Commercial sea cucumber fishery. Notwithstanding the provisions of WAC 220-340-730, effective August 24, 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 catch record areas of Sea Cucumber District 2, Monday through Friday of each week: 29, 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 catch record 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 Wolloch 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.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 24, 2018:

WAC 220-340-73000G Commercial sea cucumber fishery.
(18-196)

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

[Order 18-212—Filed August 24, 2018, 2:42 p.m., effective August 26, 2018]

Effective Date of Rule: August 26, 2018.

Purpose: Amends recreational Puget Sound salmon rules.

Citation of Rules Affected by this Order: Repealing WAC 220-313-06000T; 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 to restrict the retention of Chinook salmon in Marine Area 11 because preliminary estimates indicate that anglers have harvested over ninety-five percent of the summer quota through August 23, 2018. There is insufficient time to adopt permanent rules.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 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 24, 2018.

Kelly Susewind
Director

NEW SECTION

WAC 220-313-06000U Puget Sound salmon—Salt-water seasons and daily limits. Notwithstanding the provisions of WAC 220-313-060, the following rules apply effective August 26, 2018:

(1) Marine Area 5

(a) Open 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 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 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 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 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 through September 15, 2018.

(8) Marine Area 11

(a) Open through September 30, 2018: Daily limit 2 salmon. Release 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 26, 2018:

WAC 220-313-06000T Puget Sound salmon—Saltwater seasons and daily limits. (18-203)

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

[Order 18-215—Filed August 24, 2018, 2:44 p.m., effective August 27, 2018]

Effective Date of Rule: August 27, 2018.

Purpose: The purpose of this rule making is to allow nontreaty recreational fishing opportunity in the Columbia River while protecting fish listed as threatened or endangered under the Endangered Species Act. This rule making implements federal court orders governing Washington's relationship with treaty Indian tribes, federal law governing Washington's relationship with Oregon, and Washington fish and wildlife commission policy guidance for Columbia River fisheries.

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

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

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

Reasons for this Finding: This emergency rule is needed for additional steelhead restrictions in the Columbia River. This action is being taken to reduce steelhead impacts due to the run-size downgrade to one hundred ten thousand three hundred A and B index fish from the preseason forecast of one hundred eighty-two thousand four hundred. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Date Adopted: August 24, 2018.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-06000V 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:

(a) Mouth of the Columbia River from Buoy 10 to the HWY 395 Bridge at Pasco.

(i) Release all steelhead from August 27, 2018 until further notice.

(ii) Closed to fishing at night for salmon and steelhead immediately until further notice.

(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.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 27, 2018:

WAC 220-312-06000U Freshwater exceptions to statewide rules—Columbia River. (18-204)

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

[Order 18-211—Filed August 24, 2018, 4:18 p.m., effective August 27, 2018]

Effective Date of Rule: August 27, 2018.

Purpose: Amend commercial salmon beach seine rules in Catch Reporting Area 12C.

Citation of Rules Affected by this Order: Amending WAC 220-354-210.

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

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

Reasons for this Finding: This emergency rule is needed to close the commercial beach seine fishery in Puget Sound Salmon Management and Catch Reporting Area 12C because there is no hatchery broodstock. Closing the fishery will allow fish to return to the hatchery. 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 24, 2018.

Joe Stohr
for Kelly Susewind
Director

NEW SECTION

WAC 220-354-21000B Puget Sound salmon—Beach seine—Open periods. Notwithstanding the provisions of WAC 220-354-210, effective August 27, 2018, until further notice it is unlawful to fish for salmon with commercial beach seine gear in Puget Sound Salmon Management and Catch Reporting Area 12C.

WSR 18-18-031
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-216—Filed August 27, 2018, 4:58 p.m., effective August 29, 2018]

Effective Date of Rule: August 29, 2018.

Purpose: Amend commercial salmon beach seine rules in Catch Reporting Area 12C.

Citation of Rules Affected by this Order: Repealing WAC 220-354-21000B; and amending WAC 220-354-210.

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 reopen the commercial beach seine fishery in Salmon Management and Catch Reporting Area 12C for Wednesday August 29, 2018. There has been a significant increase in Chinook reported at the hatchery. Reopening the fishery will allow nontreaty beach seine access to the remaining Chinook 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 27, 2018.

Kelly Susewind
Director

NEW SECTION

WAC 220-354-21000C Puget Sound salmon—Beach seine—Open periods. Notwithstanding the provisions of WAC 220-354-210, effective August 30, 2018, until further notice it is unlawful to fish for salmon with commercial beach seine gear in Salmon Management and Catch Reporting Area 12C.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 29, 2018:

WAC 220-354-21000B Puget Sound salmon—Beach seine—Open periods.

**WSR 18-18-035
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 18-218—Filed August 28, 2018, 4:56 p.m., effective August 28, 2018, 4:56 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 220-340-52000U; 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, 1C and 3 (25A) to spot prawn harvest; (6) opens SMA 5 from August 29 to August 31 to spot prawns for a maximum of four thousand seven hundred fifty pounds; (7) sets a weekly trip limit of six hundred pounds for spot shrimp for SMA 3 (23A South, 23D); (8) closes SMA 1B; (9) closes SMA 3 (23A Central, 23B) and SMA 3 (23A West); and (10) maintains the other 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 28, 2018.

Nate Pamplin
for Kelly Susewind
Director

NEW SECTION

WAC 220-340-52000V 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) 1, 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 5 are open for spot shrimp from 8:00 am, August 29 to 7:00 pm, August 31, 2018. SMA 5 is closed to the harvest of non-spot shrimp.

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

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

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

(vi) Waters of Shrimp Management Area 3 (23A Central, 23B) 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.

(viii) Waters of Shrimp Management Areas 1B (20B, 22A East, 21A) are closed to the harvest of spot shrimp.

(ix) Waters of Shrimp Management Area 1C (20A, 21A, 21B and 22B) are closed to the harvest of spot shrimp.

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

(xi) All waters of Shrimp Management Area 2W 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.

(e) The current weekly spot shrimp management period is August 29 to September 4.

(f) Only pots with a minimum mesh size of 1 inch may be pulled 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 220-340-52000U Puget Sound shrimp pot and beam trawl fishery—Season. (18-208)

WSR 18-18-036
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-213—Filed August 28, 2018, 4:58 p.m., effective August 28, 2018, 4:58 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends harvest rules for hardshell clams and oysters.

Citation of Rules Affected by this Order: Amending WAC 220-330-110 and 220-330-140.

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

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

Reasons for this Finding: Due to site access limitations, this beach will be open for the month of September only, with harvest restricted to daylight hours only. Harvest is prohibited from one hour after official sunset until one hour before official sunrise. Starting October 1, low tides throughout the duration of 2018 occur during hours of darkness. The oyster seasons on this beach coincide with the clam season. 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 28, 2018.

Nate Pamplin
for Kelly Susewind
Director

NEW SECTION

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

North Bay (Case Inlet): State-owned oyster reserves and contiguous state-owned tidelands south and east of the powerline crossing are open September 1 through September 30 only, harvest prohibited during hours of darkness. Harvest periods are restricted to one hour before official sunrise until one hour after official sunset.

NEW SECTION

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

North Bay (Case Inlet): State-owned oyster reserves and contiguous state-owned tidelands south and east of the powerline crossing are open September 1 through September 30 only, harvest prohibited during hours of darkness. Harvest periods are restricted to one hour before official sunrise until one hour after official sunset.

WSR 18-18-037

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 18-206—Filed August 28, 2018, 4:58 p.m., effective August 31, 2018]

Effective Date of Rule: August 31, 2018.

Purpose: Amends trout daily limit for West Medical Lake (Spokane Co.). The lake is scheduled to be treated with a fish pesticide.

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

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

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

Reasons for this Finding: West Medical Lake is scheduled to be treated with rotenone to remove nuisance fish species as part of an effort to restore the quality of trout fishing

in those waters. Rotenone is an organic substance derived from the roots of tropical plants, which has been approved for use as a fish pesticide by the United States Environmental Protection Agency. Prior to the treatment, fishery managers are allowing current license holders to harvest trout without a daily limit and to extend the fishing season. 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 28, 2018.

Nate Pamplin
for Kelly Susewind
Director

NEW SECTION

WAC 220-312-05000V Freshwater exceptions to statewide rules—Eastside. Notwithstanding the provisions of WAC 220-312-050, effective August 31 through October 7, 2018, it is permissible to fish in the waters of West Medical Lake (Spokane Co.) with no daily limit for trout. All other species must be returned to the water immediately.

REPEALER

The following section of the Washington Administrative Code is repealed effective October 8, 2018:

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

WSR 18-18-038

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 18-220—Filed August 29, 2018, 7:57 a.m., effective August 29, 2018, 7:57 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Change the dates from November 11-19 to November 10-19 for the Palouse modern firearm special permit white-tailed buck in GMUs 127-142 per WAC 220-415-030.

Citation of Rules Affected by this Order: Amending WAC 220-415-030.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.-013, 77.04.020, 77.04.055, 77.12.047, and 77.12.150.

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

Reasons for this Finding: Under department policy, we are amending WAC 220-415-030 to correct language regarding hunting season dates.

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 29, 2018.

Nate Pamplin
for Kelly Susewind
Director

NEW SECTION

WAC 220-415-03000A 2018 Deer special permits. Notwithstanding the provisions of WAC 220-415-030, effective immediately, until further notice, the change shall read as follows:

It is unlawful to fail to comply with the bag, possession, and season limits described below. A violation of this section is punishable under RCW 77.15.410 Unlawful hunting of big game—Penalty.

Deer Special Permit Hunting Seasons (Open to Permit Holders Only)

Hunters must purchase a deer hunting license prior to purchasing a permit application. Hunters may only apply for permits consistent with the tag required for the hunt choice; however, Multiple Season Permit holders may apply for archery, muzzle-loader, or modern firearm permit hunts. Hunters drawn for a special permit hunt must comply with weapon restrictions, dates, and other conditions listed for the hunt. Hunters drawn for a special permit designated "**Any tag**" under the "**Weapon/Tag**" restriction must use equipment consistent with the requirements of their transport tag and license.

Bucks						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Palouse	Modern	Any	Nov. 11-19 10-19	White-tailed, 3 pt. min.	GMUs 127-142	750

Reviser's note: The unnecessary underscoring and strike through 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 18-18-044
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 18-222—Filed August 29, 2018, 11:55 a.m., effective August 29, 2018, 10:00 p.m.]

Effective Date of Rule: August 29, 2018, 10:00 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 220-358-03000T; and amending WAC 220-358-030.

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

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

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

Reasons for this Finding: Extends the 2018 fall commercial fishery in Zone 4 and 5 and continues the select area fisheries previously set due to harvestable fish being available. 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. Regu-

lation is consistent with the compact action of July 26, August 14, and August 28, 2018. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

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

Date Adopted: August 29, 2018.

James B. Scott, Jr.
for Kelly Susewind
Director

NEW SECTION

WAC 220-358-03000U 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:** 10 PM Wednesday August 29 to 5 AM Thursday August 30, 2018

(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 seven 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. Oregon buyers are required to electronically submit fish receiving tickets pursuant to OAR 635-006-0210. Electronic fish tickets must be submitted within 24 hours of closure of the fishing period, or within 24 hours of landing for fishing periods lasting longer than 24 hours.

(2) Tongue Point/South Channel

(a) **Dates:** Monday and Wednesday nights immediately through August 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 immediately through August 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 immediately through August 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 through August 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 10:00 p.m. August 29, 2018:

WAC 220-358-03000T Columbia River seasons below Bonneville. (18-201)

WSR 18-18-045
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-219—Filed August 29, 2018, 12:04 p.m., effective August 29, 2018, 12:04 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational sturgeon fishing rules for sturgeon in the Columbia River estuary.

Citation of Rules Affected by this Order: Amending WAC 220-312-060.

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

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

Reasons for this Finding: This emergency rule is needed because increased legal-size population of white sturgeon is sufficient to allow a limited harvest of sturgeon from Wauna powerlines to Bonneville Dam. This rule will provide for additional angling opportunity. There is insufficient time to adopt permanent rules.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 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 29, 2018.

James B. Scott, Jr.
 for Kelly Susewind
 Director

NEW SECTION

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

(1) From Wauna powerlines upstream to Bonneville Dam including and all adjacent Washington tributaries:

(a) It is permissible to retain white sturgeon on the following dates: September 15 and September 22, 2018.

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

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

WSR 18-18-055
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-223—Filed August 29, 2018, 4:31 p.m., effective August 30, 2018]

Effective Date of Rule: August 30, 2018.

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

Citation of Rules Affected by this Order: Repealing WAC 220-340-73000H; and 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 close commercial harvest of sea cucumbers in District 5 because there is no remaining surplus of sea cucumbers in this district. Harvestable surpluses of sea cucumbers exist in the districts specified. 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 29, 2018.

James B. Scott, Jr.
 for Kelly Susewind
 Director

NEW SECTION

WAC 220-340-73000I Commercial sea cucumber fishery. Notwithstanding the provisions of WAC 220-340-730, effective August 30, 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 the following catch record areas of Sea Cucumber District 1, Monday through Friday of each week: 20A, 20B, 21A, 21B, 22A, 22B.

(2) Sea cucumber harvest using shellfish diver gear is allowed in the following catch record areas of Sea Cucumber District 2, Monday through Friday of each week: 29, 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) The maximum cumulative landing of sea cucumbers for each weekly fishery opening period is 1,800 pounds per valid designated sea cucumber harvest license.

REPEALER

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

WAC 220-340-73000H Commercial sea cucumber fishery.
(18-214)

WSR 18-18-058
EMERGENCY RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed August 30, 2018, 9:22 a.m., effective August 30, 2018, 9:22 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Section 513 (4)(d) of ESSB 6032 (2018) authorizes the office of superintendent of public instruction (OSPI) to adopt rules to outline and define the terms for initial grant of the conditional loan for the National Board for Professional Teaching Standards (NBPTS) process for candidates. OSPI is temporarily adopting rules that would align the terms of the conditional loan with the length of candidacy as defined by NBPTS.

Citation of Rules Affected by this Order: New WAC 392-140-976.

Statutory Authority for Adoption: ESSB 6032 (2018).

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: Immediate adoption of this rule is necessary because NBPTS has revised its assessment process and now allows candidates to have up to five years to complete certification. The previous assessment process was up to three years. The intent of the conditional loan program provided under section 513(4) is to remove a financial barrier for all teachers to have access to pursue board certification. Requiring teachers to repay the loan mid-candidacy does not fully remove this financial barrier. OSPI is actively undertaking the appropriate procedures to adopt the rule as a permanent rule. Observing the time requirements of notice and

opportunity to comment upon adoption of the permanent rule at this time would be contrary to the public interest.

OSPI held a public hearing on August 2, 2018, regarding this rule-making activity. The permanent rule-making order (CR-103P) was filed on August 22, 2018, and the rule change will become effective on September 22, 2018.

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

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

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

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

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

Date Adopted: August 30, 2018.

Chris P. S. Reykdal
State Superintendent
of Public Instruction

NEW SECTION

WAC 392-140-976 Salary bonus for teachers and other certificated instructional staff who hold current certification by the national board—Conditional loan program. (1) During the 2017-18 and 2018-19 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the National Board for Professional Teaching Standards may receive a conditional loan of one thousand four hundred twenty-five dollars toward the current assessment fee, not including the initial up-front candidacy payment.

(2) The conditional loan shall be an advance on the first annual bonus provided under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200.

(3)(a) Conditional loan recipients who fail to receive national board certification within three years following the completion of their second year of candidacy under the National Board for Professional Teaching Standards must repay the conditional loan.

(b) Repayment shall begin after the candidate has either:

(i) Obtained the national board certification;

(ii) Exhausted all years of eligibility under the National Board for Professional Teaching Standards; or

(iii) Withdrawn their candidacy.

(4) The terms of repayment shall be pursuant to a promissory note or other instrument executed by the conditional loan recipient.

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

[Order 18-224—Filed August 30, 2018, 4:13 p.m., effective August 30, 2018, 4:13 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational salmon rules for Marine Area 1.

Citation of Rules Affected by this Order: Repealing WAC 220-313-07000I; 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: Sufficient quota remains for both Chinook and coho on the overall quota to open salmon fishing in Area 1 for two additional days. 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 30, 2018.

V. Kyle Adicks
for Kelly Susewind
Director

NEW SECTION

WAC 220-313-07000J 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 September 1: Closed.
- (b) September 2 through September 3:
 - (i) Daily limit of 2 salmon.
 - (ii) Release wild coho.

(c) Closed in the Columbia River Mouth Control Zone 1 during all open periods. See WAC 220-56-195.

(d) September 4 until further notice: Closed.

(2) Catch Record Card Area 2:

(a) Immediately through September 3:

(i) Daily limit of 2 salmon.

(ii) Release wild coho.

(iii) 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:

(i) August 16 until further notice:

(ii) Daily limit of 6 salmon; no more than 4 may be adult salmon.

(iii) Release Chinook.

(iv) Night closure and anti-snagging rule in effect.

(5) Grays Harbor (Catch Record Card Area 2-2 west of the Buoy 13 line): Immediately 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:** Immediately until further notice: Closed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-313-07000I Coastal salmon—Saltwater seasons and daily limits. (18-210)

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

[Order 18-217—Filed August 30, 2018, 4:15 p.m., effective August 30, 2018, 4:15 p.m.]

Effective Date of Rule: Immediately upon filing.

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

Citation of Rules Affected by this Order: Repealing WAC 220-312-06000J.

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 return to permanent rule to allow time for monitoring and evaluation of existing white sturgeon populations. 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 0, Amended 0, Repealed 1.

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

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

Date Adopted: August 30, 2018.

V. Kyle Adicks
for Kelly Susewind
Director

REPEALER

The following section of the Washington Administrative Code is repealed effective September 2, 2018:

WAC 220-312-06000J Freshwater exceptions to statewide rules—Columbia River. (18-118)

WSR 18-18-064
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-225—Filed August 30, 2018, 4:34 p.m., effective August 30, 2018, 4:34 p.m.]

Effective Date of Rule: Immediately upon filing.

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

Citation of Rules Affected by this Order: Repealing WAC 220-354-30000M; 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: Sufficient harvestable quota remains for the troll fleet to increase the weekly coho possession and landing limit. 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 30, 2018.

V. Kyle Adicks
for Kelly Susewind
Director

NEW SECTION

WAC 220-354-30000N Coastal salmon troll seasons—Commercial. Notwithstanding the provisions of WAC

220-354-300, effective immediately until further notice, it is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons provided below:

(1) Salmon Management and Catch Reporting Areas 1, 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 85 Chinook and 25 coho per vessel per landing week, defined as Thursday through Wednesday.

(3) In Washington Catch Reporting Area 2, landing and possession limit of 25 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 85 Chinook and 25 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.

(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:

WAC 220-354-30000M Coastal commercial salmon troll.
(18-209)

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

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

[Order 18-227—Filed August 31, 2018, 2:29 p.m., effective August 31, 2018, 2:29 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends Puget Sound commercial salmon fisheries for Puget Sound Salmon Management and Catch Reporting Area 12C.

Citation of Rules Affected by this Order: Repealing WAC 220-354-21000C and 220-354-21000D; and amending WAC 220-354-210.

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: A limited number of harvestable Chinook salmon remain for the commercial beach seine fishery in Puget Sound Salmon Management and Catch Reporting Area 12C. Landing limits are necessary to allow the fishery to remain open. It is anticipated the harvestable share will be achieved on September 3. 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 31, 2018.

Nate Pamplin
for Kelly Susewind
Director

NEW SECTION

WAC 220-354-21000D Puget Sound salmon—Beach seine—Open periods. Notwithstanding the provisions of WAC 220-354-210, 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 Area 12C except in accordance with the restrictions indicated below. Unless otherwise amended, all other rules remain in effect.

(1) Landing and possession limit of 250 Chinook per permit on September 3, 2018.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-354-21000C Puget Sound salmon—Beach seine—Open periods. (18-216)

The following section of the Washington Administrative Code is repealed effective September 4, 2018:

WAC 220-354-21000D Puget Sound salmon—Beach seine—Open periods.

WSR 18-18-072
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 18-226—Filed August 31, 2018, 3:38 p.m., effective September 4, 2018]

Effective Date of Rule: September 4, 2018.

Purpose: Amend recreational fishing rules for Grande Ronde, Snake, Touchet, Tucannon, Walla Walla, and White Salmon rivers.

Citation of Rules Affected by this Order: Repealing WAC 220-312-03000B and 220-312-05000U; and amending WAC 220-312-030 and 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 limit steelhead impacts as the Columbia River run size has been reduced to ninety-six thousand five hundred A/B Index steelhead from a preseason forecast of one hundred eighty-two thousand four hundred fish. There is insufficient time to adopt permanent rules.

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

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

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

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

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

New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 31, 2018.

Nate Pamplin
for Kelly Susewind
Director

NEW SECTION

WAC 220-312-05000W Freshwater exceptions to statewide rules—Eastside. Notwithstanding the provisions of WAC 220-312-050, effective September 4, 2018 until further notice:

(1) **Grande Ronde River (Asotin County):** from county road bridge (approximately 2.5 miles upstream of mouth) to the Washington/Oregon boundary: Steelhead daily limit is 1 hatchery steelhead.

(2) **Snake River (Franklin/Walla Wall Counties):** from the Burbank-to-Pasco railroad bridge at river mile 1.25 upstream to the Oregon State line:

(a) Salmon: open immediately through October 31, 2018

(i) Daily limit 6.

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

(b) Steelhead: daily limit 1 hatchery steelhead

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

(3) **Touchet River (Walla Walla County):** from mouth to the confluence of North and South Forks: Steelhead daily limit is 1 hatchery steelhead.

(4) **Tucannon River (Columbia/Garfield Counties):** from mouth to the Tucannon Hatchery Road Bridge: Steelhead daily limit is 1 hatchery steelhead.

(5) **Walla Walla River (Walla Walla County):** from mouth to the Washington/Oregon border: Steelhead daily limit is 1 hatchery steelhead.

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 220-312-03000C Freshwater exceptions to statewide rules—Southwest. Notwithstanding the provisions of WAC 220-312-030, effective September 4, 2018 until further notice:

(1) **Drano Lake (Skamania County):**

(a) Release all steelhead.

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

(2) **White Salmon River (Klickitat/Skamania counties):** from mouth (BNSF Railroad bridge) to county road bridge downstream of the former location of the powerhouse:

(a) Release all steelhead.

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

(3) **Wind River (Skamania County):** from mouth to 400 feet below Shipherd Falls fish ladder:

(a) Release all steelhead.

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

REPEALER

The following sections of the Washington Administrative Code are repealed effective September 4, 2018:

WAC 220-312-05000U Freshwater exceptions to statewide rules—Eastside. (18-190)

WAC 220-312-03000B Freshwater exceptions to statewide rules—Southwest. (18-204)

WSR 18-18-087

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 18-228—Filed September 4, 2018, 4:16 p.m., effective September 4, 2018, 4:16 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 220-340-52000V; 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 spot shrimp for the final clean-up fishery; (2) implements a non-spot and spot shrimp weekly limit for all areas; (3) implements a minimum mesh size restriction for spot shrimp gear; (4) retains the opening of the 1B-21A trawl fishery season; (5) closes SMA 3 (25A) to all shrimp trawl fishing; (6) maintains the closures of SMA 1A and 3 (25A) to spot prawn harvest; (7) sets a weekly trip limit of 300 pounds for spot shrimp for SMA 3 (23A South, 23D),(23C) and (29); (8) Opens SMA 1B, 1C, 3 (23A Central, 23B) and 4 (26B 2) for specific clean-up amounts; and (9) maintains the other 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: September 4, 2018.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-52000W 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) 1, 2E, 2W, 3 and 4 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) Waters of Shrimp Management Area 3 (23A East) are closed to the harvest of spot shrimp.

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

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

(v) Waters of Shrimp Management Area 3 (23A Central, 23B) is open for a maximum harvest of 273 pounds of spot shrimp.

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

(vii) Waters of Shrimp Management Areas 1B (20B, 22A East, 21A) is open for a maximum of 427 pounds of spot shrimp.

(viii) Waters of Shrimp Management Area 1C (20A, 21A, 21B and 22B) is open for a maximum of 437 pounds of spot shrimp.

(ix) Waters of Shrimp Management Area 4 (26B 2) is open for a maximum harvest of 550 pounds of spot shrimp. SMA 4 (26B 1, 26C) is closed for the harvest of all shrimp.

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

(xi) All waters of Shrimp Management Area 2W 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 300 pounds for the weekly management period in Shrimp Management Area 3 (23A South, 23D), SMA 3 (23C) and SMA 3 (29).

The Shrimp Management Areas above outline other regional spot shrimp limits.

(e) The current weekly management period for shrimp is September 5 to September 11.

(f) Only pots with a minimum mesh size of 1 inch may be pulled 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 (not including the Discovery Bay Shrimp District, Sequim Bay and Catch Area 23D) is open, effective immediately, until further notice. Sequim Bay includes that portion of Catch Area 25A south of a line projected west from Travis Spit on the Miller Peninsula.

(b) Marine Fish Shellfish Catch Area 25A is closed to trawl activity for the season.

(c) That portion of Catch Area 22A within SMA 1B is open.

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

(e) 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 220-340-52000V Puget Sound shrimp pot and beam trawl fishery—Season. (18-218)