

**WSR 19-08-005**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 19-49—Filed March 20, 2019, 4:20 p.m., effective March 20, 2019,  
 4:20 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this rule making is to provide for treaty Indian fishing opportunity in the Columbia River while protecting salmon listed as threatened or endangered under the Endangered Species Act (ESA). This rule making implements federal court orders governing Washington's relationship with treaty Indian tribes and federal law governing Washington's relationship with Oregon.

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

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 2018-2027 *United States v. Oregon* Management Agreement (February 26, 2018) (Doc. No. 2607-1). *Northwest Gillnetters Ass'n v. Sandison*, 95 Wn.2d 638, 628 P.2d 800 (1981); Washington fish and wildlife commission policies concerning Columbia River fisheries; 40 Stat. 515 (Columbia River Compact).

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

Reasons for this Finding: This rule is needed to extend the open period for the commercial gillnet fishery in the Bonneville Pool because a sufficient number of fish are available on the harvest guideline. This rule is consistent with actions of the Columbia River compacts on January 29, February 12, February 19, February 28, March 11, and March 19, 2019. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent regulations.

The Yakama, Warm Springs, Umatilla, and Nez Perce Indian tribes have treaty fishing rights in the Columbia River and inherent sovereign authority to regulate their fisheries. Washington and Oregon also have some authority to regulate fishing by treaty Indians in the Columbia River, authority that the states exercise jointly under the congressionally ratified Columbia River Compact. *Sohappy v. Smith*, 302 F. Supp. 899 (D. Or. 1969). The tribes and the states adopt parallel regulations for treaty Indian fisheries under the supervision of the federal courts. A court order sets the current parameters. *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2018-2027 *United States v. Oregon* Management Agreement (February 26, 2018) (Doc. No. 2607-1). Some salmon and steelhead stocks in the Columbia River are listed as threatened or endangered under the federal ESA. On February 23, 2018, the National Marine Fisheries Service issued a biological opinion under 16 U.S.C. § 1536 that allows for some incidental take of these species in the fisheries as described in the 2018-2027 *U.S. v. Oregon* Management Agreement.

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

Number of Sections Adopted in Order to Comply with Federal Statute: New 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: March 20, 2019.

Joe Stohr  
 for Kelly Susewind  
 Director

NEW SECTION

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

(1) Open Areas: SMCRA 1F (Bonneville pool only)

(a) Season: Immediately to 6 PM Saturday, March 23, 2019

(b) Gear: Gillnets with no minimum mesh size restriction.

(c) Allowable sale: Salmon (any species), steelhead, shad, yellow perch, bass, walleye, catfish, and carp may be sold or retained for subsistence. Sturgeon from 38 to 54 inches fork length in the Bonneville Pool may be sold or kept for subsistence purposes. Fish landed during the open periods are allowed to be sold after the period concludes.

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

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

(a) Season: Immediately to 6 PM Thursday, March 21, 2019, and for Bonneville Pool only through 6 PM Saturday March 23, 2019.

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

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

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

(3) 24-hour quick reporting is required for Washington wholesale dealers for all areas as provided in WAC 220-352-315, except that all landings from treaty fisheries described above must be reported within 24-hours of completing the fish ticket (not 24-hours after the period concludes).

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

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

## REPEALER

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

WAC 220-359-02000F Columbia River salmon seasons above Bonneville Dam. (19-41)

**WSR 19-08-006  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 19-50—Filed March 20, 2019, 4:24 p.m., effective March 20, 2019, 4:24 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend Puget Sound commercial scallop rules.

Citation of Rules Affected by this Order: Repealing WAC 220-340-61000F; and amending WAC 220-340-610.

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

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

Reasons for this Finding: The department of health has lifted the biotoxin closure in Burrows Bay, and a harvestable surplus of pink and spiny scallops exists in the areas specified to allow for commercial harvest. This emergency rule is needed to open Burrows Bay. 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: March 20, 2019.

Joe Stohr  
for Kelly Susewind  
Director

## NEW SECTION

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

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

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

(3) Pink or spiny scallop harvest using shellfish diver gear is also allowed within DOH Restricted Scallop Area 2 Rosario Strait and Restricted Scallop Area 3 Burrows Bay defined by the Washington Department of Health in Marine Fish/Shellfish Catch Reporting Areas 20B, 21A, and 22A.

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

(5) It is unlawful to possess any other species of commercial shellfish during pink or spiny scallop harvest operations and when pink or spiny scallops are onboard the harvest vessel.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-340-61000F Commercial scallop fishery—Puget Sound. (19-26)

**WSR 19-08-011****EMERGENCY RULES****DEPARTMENT OF****FISH AND WILDLIFE**

[Order 19-52—Filed March 21, 2019, 3:04 p.m., effective March 21, 2019, 3:04 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Puget Sound commercial sea urchin fisheries.

Citation of Rules Affected by this Order: Repealing WAC 220-340-75000N.

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 the 2018-19 Commercial sea urchin season. The quota has been reached for red sea urchins in Sea Urchin District 4. Surplus quota for green sea urchins [urchins] exists in Sea Urchin Districts 3, 4, 6, and 7 but no active harvesters remain. 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: March 21, 2019.

Kelly Susewind  
Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-340-75000N Commercial sea urchin fishery. (19-39)

**WSR 19-08-012****EMERGENCY RULES****DEPARTMENT OF****FISH AND WILDLIFE**

[Order 19-46—Filed March 21, 2019, 3:29 p.m., effective April 1, 2019]

Effective Date of Rule: April 1, 2019.

Purpose: Amend recreational fishing rules for Klickitat and Wind rivers.

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

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

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

Reasons for this Finding: This rule is needed to reduce the adult salmon daily limits for the Klickitat and Wind rivers. Low numbers of adult spring Chinook are forecast to return to these rivers. Lowered daily limits are needed to increase the likelihood that hatchery Chinook broodstock goals are met. 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: March 21, 2019.

Kelly Susewind  
Director

NEW SECTION

**WAC 220-312-03000L Southwest—Freshwater exceptions to statewide rules.** Notwithstanding the provisions of WAC 220-312-030, effective April 1, 2019 until further notice:

- 1) **Cispus River (Lewis Co.):** Salmon: closed.
- 2) **Cowlitz Falls Reservoir (Lake Scanewa) (Lewis Co.):** Salmon: closed.
- 3) **Cowlitz River (Cowlitz Co.):** Salmon: closed.
- 4) **Kalama River (Cowlitz Co.):** From the mouth upstream to 1000 feet below the fishway at the upper salmon hatchery: Salmon: Daily limit 6; no more than 1 adult may be retained. Release all salmon other than hatchery Chinook and hatchery coho.
- 5) **Klickitat River (Klickitat Co.):**
  - (a) From the mouth (Burlington Northern Railroad bridge) to Fisher Hill Bridge, effective immediately until further notice:
    - (i) Salmon and steelhead; effective April 1 through May 24, 2019:
      - (A) Open Mondays, Wednesdays, and Saturdays only.
      - (B) Daily limit 2; no more than 1 may be an adult salmon: Release wild Chinook and wild steelhead.
    - (ii) Salmon; effective May 25, 2019 until further notice: Daily limit 6; no more than 1 adult may be retained: Release wild Chinook.
  - (b) From 400 feet upstream of #5 fishway to boundary markers below Klickitat Salmon Hatchery, effective May 25, 2019 until further notice: Salmon: Daily limit 6; no more than 1 adult may be retained: Release wild Chinook.
- 6) **Lewis River (Clark/Cowlitz Co.):** Salmon: closed.
- 7) **Wind River (Skamania Co.):**
  - (a) From the mouth to 400 feet downstream of Shipherd Falls fish ladder, effective April 1, 2019 until further notice: Salmon and steelhead: Daily limit 6; no more than 2 hatchery steelhead, or 1 hatchery steelhead and 1 adult salmon may be retained: Release wild Chinook, wild coho, and wild steelhead.

From 100 feet upstream of Shipherd Falls to 800 yards downstream of Carson National Fish Hatchery, effective May 1, 2019 until further notice: Daily limit 6; no more than 2 hatchery steelhead, or 1 hatchery steelhead and 1 adult salmon may be retained: Release wild Chinook, wild coho, and wild 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.

REPEALER

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

WAC 220-312-03000K Southwest—Freshwater exceptions to statewide rules. (19-32)

**WSR 19-08-019****EMERGENCY RULES****DEPARTMENT OF****FISH AND WILDLIFE**

[Order 19-53—Filed March 25, 2019, 4:03 p.m., effective March 25, 2019, 4:03 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends commercial razor clam rules.

Citation of Rules Affected by this Order: Repealing WAC 220-340-12000C; and amending WAC 220-340-120.

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

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

Reasons for this Finding: Based on historical catches and onsite inspection, there should be adequate clams to support a twelve week commercial razor clam season. Washington department of health has confirmed biotoxin levels currently fall below the regulatory threshold. This emergency rule is needed to open the commercial razor clam season in Razor Clam Area 2. 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: March 25, 2019.

Joe Stohr  
for Kelly Susewind  
Director

NEW SECTION**WAC 220-340-12000C Commercial razor clams.**

Notwithstanding the provisions of WAC 220-340-120, effective April 1 through June 24, 2019, a person may dig for and possess razor clams for commercial purposes only in those waters and detached beaches of Razor Clam Area 2 lying south of the Willapa Bay Ship Channel, west of Ellen Sands, and north of the tip of Leadbetter Point.

REPEALER

The following section of the Washington Administrative Code is repealed effective June 25, 2019:

WAC 220-340-12000C Commercial razor clams.

**WSR 19-08-024**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 19-56—Filed March 27, 2019, 11:37 a.m., effective March 27, 2019, 11:37 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends coastal commercial crab rules.

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

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

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

Reasons for this Finding: This emergency rule is needed to extend the period of reduced pot limits to limit the number of lines in the water to reduce the risk of marine mammal interactions, reduce the crowding effect in this restricted area and language improves enforcement of pot limits. A delay due to elevated marine toxins aligns with the Tri-State Crab Agreement and similar rules in Oregon and California. 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: March 27, 2019.

Joe Stohr  
for Kelly Susewind  
Director

NEW SECTION

**WAC 220-340-42000Q Commercial crab fishery—Unlawful acts.** Notwithstanding the provisions of WAC 220-340-420:

(1) Effective immediately until further notice, it is unlawful for a vessel to use more than 200 pots in the area between Split Rock (47°24.50') and Raft River (47°28.00) seaward of a line approximating the 27-fathom depth curve. It is unlawful for a vessel to use more than 100 pots in the area between the Copalis River (47°08.00) and Joe Creek (47°12.11) seaward of a line approximating the 27-fathom depth curve. Fishers must pre-register with the Department of Fish and Wildlife 24 hours prior to deploying gear in this area by one of the three following methods:

- Fax transmission to Robert Morgan at 360-249-1229;
- E-mail to Robert Morgan at Robert.Morgan@dfw.wa.gov; or
- Telephone call to Robert Morgan at 360-249-1206.

(2) All other provisions of the permanent rule remain in effect.

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

REPEALER

The following section of the Washington Administrative Code repealed:

WAC 220-340-42000P Commercial crab fishery—  
Unlawful acts. (19-37)

**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.

**WSR 19-08-028**  
**EMERGENCY RULES**  
**DEPARTMENT OF HEALTH**

(Pharmacy Quality Assurance Commission)

[Filed March 27, 2019, 12:21 p.m., effective March 27, 2019, 12:21 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Chapter 246-873A WAC, Hospital pharmacy associated clinics, the pharmacy quality assurance commission (commission) is establishing standards supporting the regulation, inspection, and investigation of pharmacy services provided in individual practitioner offices and multipractitioner clinics owned and operated by a hospital based on a level of risk and the type of pharmacy services provided at a particular location. This filing supersedes and replaces emergency rules filed as WSR 18-24-055 on November 28, 2018.

Citation of Rules Affected by this Order: New WAC 246-873A-010, 246-873A-020, 246-873A-030, 246-873A-040, 246-873A-050, 246-873A-060, 246-873A-070, 246-873A-080, 246-873A-090, and 246-873A-095.

Statutory Authority for Adoption: RCW 18.64.043(6).

Other Authority: RCW 18.64.043, 18.64.005.

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: SSB 6558 (chapter 118, Laws of 2016) amended RCW 18.64.043 directing the commission to adopt emergency rules to implement the bill and to keep the emergency rules in effect until permanent rules are adopted. The standards in this emergency rule have not changed from the previous emergency rule. The commission has filed a preproposal statement of inquiry, WSR 16-16-025, and has initiated stakeholder work on developing proposed 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 10, Amended 0, Repealed 0.

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

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

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 10, Amended 0, Repealed 0.

Date Adopted: March 27, 2019.

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

## Chapter 246-873A WAC

### HOSPITAL PHARMACY ASSOCIATED CLINICS

#### NEW SECTION

**WAC 246-873A-010 Definitions.** The definitions in this section apply throughout this chapter, unless the context clearly indicates otherwise:

(1) "Clinic" means a facility that is established primarily to furnish outpatient health care services by an individual or group of practitioners.

(2) "Commission" means the Washington state pharmacy quality assurance commission.

(3) "Compounding" means the preparation or combining of any two or more active ingredients or components into a drug product as the result of a practitioner's prescription drug order or initiative based on the practitioner, patient, and pharmacist relationship in the course of professional practice or for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale or dispensing. Compounding also includes the preparation of drugs in anticipation of prescription drug orders based on routine, regularly observed prescribing patterns. Compounding does not include mixing,

reconstituting or other such acts that are performed in accordance with the directions contained in approved labeling provided by the product's manufacturer.

(4) "Hospital pharmacy associated clinic" or "HPAC" means an individual practitioner's office or multipractitioner clinic owned, operated, or under common control of a parent hospital or health system, where the physical address of the office or clinic is identified on a hospital pharmacy license.

(5) "Parent hospital pharmacy" means a hospital pharmacy licensed under chapter 70.41 RCW, adding hospital pharmacy associated clinics to their hospital pharmacy license in accordance with chapter 18.64 RCW and this chapter.

(6) "Practice of pharmacy" shall have the same meaning as RCW 18.64.011.

(7) "Practitioner" has the same meaning as RCW 18.64.-011, and those individuals authorized to possess drugs.

(8) "Prescription" has the same meaning as RCW 18.64.-011.

(9) "Responsible manager" has the same meaning as WAC 246-869-070.

(10) "Transfer" means to move drugs from the parent hospital pharmacy to the hospital pharmacy associated clinic.

#### NEW SECTION

**WAC 246-873A-020 Hospital pharmacy associated clinic—Licensing.** (1) New hospital pharmacy license. A parent hospital pharmacy applying for a new hospital pharmacy license or submitting a change in hospital ownership must:

(a) Submit a full application to the department and identify any HPACs to be included under the hospital pharmacy license, along with the applicable fees established under WAC 246-907-030 and 246-907-040; and

(b) Pass an inspection by a commission pharmacist investigator in accordance with this chapter.

(2) Current hospital pharmacy license holders. The parent hospital pharmacy must notify the commission in writing of any change of HPAC ownership, location of HPACs, and addition or removal of HPACs from the parent hospital pharmacy license.

(a) Adding HPACs. A parent hospital pharmacy may add HPACs on a hospital pharmacy license at any time and must file a hospital pharmacy license addendum with the commission along with applicable fees set forth in WAC 246-907-0302. Added HPACs are subject to inspection in accordance with this chapter.

(b) Removing HPACs. A parent hospital pharmacy removing HPACs from the parent hospital pharmacy license must comply with WAC 246-873A-095.

(3) HPAC locations are identified as follows:

(a) Category 1 HPAC: Receives drugs transferred from the parent hospital pharmacy to the HPAC, and does not perform sterile or nonsterile compounding of drugs. This does not infer that pharmaceutical services are provided at this location.

(b) Category 2 HPAC: Receives drugs transferred from the parent hospital pharmacy to the HPAC, and performs sterile or nonsterile compounding of drugs.

(4) A HPAC licensed under the parent hospital pharmacy license must obtain a Drug Enforcement Administration (DEA) registration for purposes of possessing controlled substances.

#### NEW SECTION

**WAC 246-873A-030 Responsible manager.** The responsible manager shall comply with the requirements of WAC 246-873-080 (3), (4), (7) and (8).

#### NEW SECTION

**WAC 246-873A-040 Physical requirements of a HPAC.** Physical requirements must be consistent with the applicable subsections of WAC 246-873-070 according to the HPAC category type.

#### NEW SECTION

**WAC 246-873A-050 HPAC drug transfer and control.** The following apply to both Category 1 and Category 2 HPACs:

(1) General drug transfer. A licensed hospital pharmacy is permitted without a wholesaler license to engage in intra-company sales, being defined as any transaction or transfer between any division, subsidiary, parent company, affiliated company, or related company under common ownership and control of the corporate entity;

(2) Patient specific drugs. A licensed hospital pharmacy dispensing appropriately labeled, patient specific drugs to a HPAC licensed under the parent hospital pharmacy may do so only pursuant to a valid patient order or prescription and the order or prescription information is authenticated in the medical record of the patient to whom the legend drug or controlled substance will be provided according to the policy and procedures of the parent hospital pharmacy.

(3) Storage. The parent hospital pharmacy's policy and procedures must specify HPAC drug storage parameters consistent with WAC 246-869-150.

(4) Drug samples. Nothing in this chapter prohibits a practitioner from dispensing drug samples in accordance with state and federal laws and regulations.

(5) Controlled substance accountability. The responsible manager of the parent hospital pharmacy must include accountability standards of controlled substances consistent with WAC 246-873-080(7) in the HPAC policies and procedures.

(6) Drug recall. A recall procedure must be in place to assure that potential harm to patients within a HPAC is prevented and that all drugs included on the recall are returned to the parent hospital pharmacy for proper disposition.

#### NEW SECTION

**WAC 246-873A-060 Labeling.** (1) Labels on medications dispensed to HPAC patients, including drug samples, must meet the requirements of RCW 69.41.050. This does not apply to HPAC administered medications.

(2) Parenteral and irrigation solutions in Category 2 HPACs. When drugs are added to intravenous solutions, a

suitable label shall be affixed to the container and at a minimum should include the following:

- (a) The name of the patient;
- (b) Name and amount of drug(s) added;
- (c) Beyond use date; and
- (d) Initials of the personnel who prepared and checked the solution.

#### NEW SECTION

**WAC 246-873A-070 Records.** All transaction and inventory records must be maintained in compliance with applicable sections in chapter 246-875 WAC according to the HPAC category type.

#### NEW SECTION

**WAC 246-873A-080 Administration of drugs.** (1) Drugs administered in a HPAC shall only be administered by Washington state credentialed personnel, acting within their scope of practice, in accordance with state and federal laws and regulations governing such acts.

(2) Drugs must be administered only upon the valid order of a practitioner, as defined in RCW 69.50.101, who is licensed to prescribe legend drugs or controlled substances and who has been granted clinical privileges to write such orders.

(3) All medications administered to HPAC patients must be recorded in the patient's medical record.

#### NEW SECTION

**WAC 246-873A-090 Inspections of HPAC.** The commission shall conduct inspections of HPACs in conjunction with associated hospital pharmacy inspections under WAC 246-869-190 and consistent with WAC 246-869-110. All deficiencies shall be noted on the hospital pharmacy inspection form.

(1) A representative sample of Category 1 HPACs not performing compounding are subject to inspection as determined by the commission investigator. Category 1 HPACs will be inspected to the standards established in this chapter.

(2) All Category 2 HPACs performing on-site sterile or nonsterile compounding will be inspected. Category 2 HPACs will be inspected to standards established in this chapter, RCW 18.64.270, and chapter 246-878 WAC.

#### NEW SECTION

**WAC 246-873A-095 Removal of HPAC from a hospital pharmacy license.** (1) The parent hospital pharmacy shall notify the commission of the removal of a HPAC from the hospital pharmacy license no later than fifteen days prior to the anticipated date of removal or closing of the HPAC. This notice must be submitted in writing and shall contain all of the following information:

(a) The date the HPAC will no longer be listed under the parent hospital pharmacy;

(b) The names and addresses of the person(s) who will have custody of the prescription files, the repackaging records, and the controlled substances inventory records of

the HPAC being removed from the parent hospital pharmacy license or closed; and

(c) The names and addresses of any persons who will acquire any of the legend drugs, including controlled substances, from the HPAC.

(2) A written statement containing the following information must be filed with the commission no later than fifteen days after the planned removal of the HPAC:

(a) Confirmation that all legend drugs have been transferred to an authorized person(s) or destroyed. If the legend drugs were transferred, the names and addresses of the person(s), or alternate HPAC location(s) to whom they were transferred;

(b) If controlled substances were transferred, a list of the name(s) and address (or addresses) of the DEA registrant(s) to whom the substances were transferred, the substances transferred, the amount of each substance transferred, and the date on which the transfer took place;

(c) Confirmation that the DEA registration and all unused DEA 222 forms (order forms) were returned to the DEA;

(d) Confirmation that all labels and blank prescriptions in the possession of the HPAC were destroyed or otherwise accounted for; and

(e) Confirmation that all signs and symbols indicating the ownership or affiliation to the parent hospital pharmacy have been removed.

### WSR 19-08-039

#### EMERGENCY RULES DEPARTMENT OF

#### CHILDREN, YOUTH, AND FAMILIES

[Filed March 28, 2019, 10:49 a.m., effective March 31, 2019]

Effective Date of Rule: March 31, 2019.

Purpose: Establish (1) conditions under which families may participate in the working connections child care program regardless of employment status; (2) the copayment for these families; and (3) a requirement that child care providers for these families be enrolled in and meeting the requirements of the early achievers program (Washington state's quality rating and improvement system for child care).

Citation of Rules Affected by this Order: New WAC 110-15-0024.

Statutory Authority for Adoption: Chapter 9, Laws of 2017; RCW 43.216.055 and 43.216.065.

Other Authority: Public Law 113-186.

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

Reasons for this Finding: Chapter 9, Laws of 2017 (SHB 2624), effective December 1, 2018, directs the department to establish and implement policies in the working connections child care program to allow eligibility for certain families with children who receive child protective services, child welfare services, or services through a family assessment response in the six months before the families' applications

for benefits. This emergency rule was previously filed under WSR 18-24-076 and is being extended as the department is completing the permanent rule-making process.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 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: November 30, 2018.

Brenda Villarreal  
Rules Coordinator

#### NEW SECTION

**WAC 110-15-0024 Categorical eligibility for families receiving child protective, child welfare, or family assessment response services.** (1) Families with children who have received child protective services as defined and used by chapters 26.44 and 74.13 RCW, child welfare services as defined and used by chapter 74.13 RCW, or services through a family assessment response, as defined and used by chapter 26.44 RCW in the six months previous to application or reapplication for working connections child care (WCCC) benefits are eligible for WCCC benefits for a twelve-month period if, in addition the:

(a) Consumer is a Washington resident;

(b) Family has been referred for child care as part of the family's case management as defined by RCW 74.13.020; and

(c) Child or children are residing with a biological parent or guardian.

(2) Families eligible for WCCC under this section will:

(a) Have no copayment;

(b) Be authorized for full-time child care regardless of participation in an approved activity; and

(c) Be eligible to have benefits paid only to a licensed, certified, or contracted child care provider that meets the requirements in WAC 110-15-0125.

### WSR 19-08-050

#### EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 19-55—Filed March 29, 2019, 10:45 a.m., effective March 29, 2019, 10:45 a.m.]

Effective Date of Rule: Immediately upon filing.



Purpose: Amend recreational fishing rules for the Kalama River.

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

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

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

Reasons for this Finding: This rule is needed to close steelhead retention in the lower Kalama River. To date, the number of hatchery-origin winter steelhead that have returned to Kalama River hatchery facilities is much lower than needed to meet hatchery egg collection goals. Closing steelhead retention will increase the number of hatchery fish available for broodstock and help improve hatchery returns in future years. The action to allow use of barbed hooks is consistent with the implementation of the Washington fish and wildlife commission's March 2 ruling in Spokane; to make the use of barbless hooks for salmon and steelhead within the Columbia Basin voluntary. 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: March 28, 2019.

Kelly Susewind  
Director

#### NEW SECTION

**WAC 220-312-03000N Southwest—Freshwater exceptions to statewide rules.** Notwithstanding the provisions of WAC 220-312-030, effective immediately until further notice:

- 1) **Cispus River (Lewis Co.):** Salmon: closed.
- 2) **Cowlitz Falls Reservoir (Lake Scanewa) (Lewis Co.):** Salmon: closed.
- 3) **Cowlitz River (Cowlitz Co.):** Salmon: closed.
- 4) **Kalama River (Cowlitz Co.):**
  - (a) From the mouth upstream to 1000 feet below the fishway at the upper salmon hatchery:
    - (i) Salmon and steelhead: The use of barbed hooks is permissible.

- (ii) Salmon; effective immediately: Daily limit 6; no more than 1 adult may be retained. Release all salmon other than hatchery Chinook and hatchery coho.

- (iii) Steelhead; effective April 1, 2019 until further notice: Release all steelhead.

- (b) From 1000 feet above fishway at upper salmon hatchery to Summers Creek: Selective Gear Rules, except the use of barbed hooks is permissible.

- (c) From Summers Creek to the intersection 6000 and 6420 Roads: fly fishing only, except the use of barbed hooks is permissible.

- (d) From the intersection 6000 and 6420 Roads to 6600 Road Bridge immediately downstream of Jacks Creek: Selective Gear Rules, except the use of barbed hooks is permissible.

#### **5) Klickitat River (Klickitat Co.):**

- (a) From the mouth (Burlington Northern Railroad bridge) to Fisher Hill Bridge, effective:

- (i) Salmon and steelhead; effective April 1 through May 24, 2019:

- (A) Open Mondays, Wednesdays, and Saturdays only.

- (B) Daily limit 2; no more than 1 may be an adult salmon: Release wild Chinook and wild steelhead.

- (ii) Salmon; effective May 25, 2019 until further notice: Daily limit 6; no more than 1 adult may be retained: Release wild Chinook.

- (b) From 400 feet upstream of #5 fishway to boundary markers below Klickitat Salmon Hatchery, effective May 25, 2019 until further notice: Salmon: Daily limit 6; no more than 1 adult may be retained: Release wild Chinook.

- 6) **Lewis River (Clark/Cowlitz Co.):** Salmon: closed.

- 7) **Wind River (Skamania Co.):**

- (a) From the mouth to 400 feet downstream of Shipherd Falls fish ladder, effective April 1, 2019 until further notice: Salmon and steelhead: Daily limit 6; no more than 2 hatchery steelhead, or 1 hatchery steelhead and 1 adult salmon may be retained: Release wild Chinook, wild coho, and wild steelhead.

- (b) From 100 feet upstream of Shipherd Falls to 800 yards downstream of Carson National Fish Hatchery, effective May 1, 2019 until further notice: Daily limit 6; no more than 2 hatchery steelhead, or 1 hatchery steelhead and 1 adult salmon may be retained.

#### REPEALER

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

WAC 220-312-03000L Southwest—Freshwater exceptions to statewide rules. (19-46)

**WSR 19-08-051  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 19-57—Filed March 29, 2019, 10:58 a.m., effective May 17, 2019]

Effective Date of Rule: May 17, 2019.

Purpose: Amend recreational fishing rules for Goose Creek (Lincoln Co.).

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

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

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

Reasons for this Finding: This rule change is necessary to open this section of Goose Creek for the Wild Bill Goose Days youth fishing event. It will also allow additional opportunity to catch fish stocked for the event to youth anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card for a few additional days prior to the set season opener of May 25, 2019. 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: March 28, 2019.

Kelly Susewind  
Director

#### NEW SECTION

**WAC 220-312-05000B Eastside—Freshwater exceptions to statewide rules.** Notwithstanding the provisions of WAC 220-312-050, effective May 17 through May 24, 2019:

Goose Creek (Lincoln Co.), within the city limits of Wilbur: Gamefish open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective May 25, 2019:

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

**WSR 19-08-056  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 19-59—Filed March 29, 2019, 1:15 p.m., effective March 29, 2019, 1:15 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This emergency rule will allow nontreaty commercial fishing opportunities in the Columbia River while protecting fish listed as threatened or endangered under the Endangered Species Act (ESA). This rule implements federal court orders governing Washington's relationship with treaty Indian tribes, federal law governing Washington's relationship with Oregon, and Washington fish and wildlife commission policy guidance for Columbia River fisheries.

Citation of Rules Affected by this Order: Repealing WAC 220-358-03000X; 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 2018-2027 *United States v. Oregon* Management Agreement (February 26, 2018) (Doc. No. 2607-1). *Northwest Gillnetters Ass'n v. Sandison*, 95 Wn.2d 638, 628 P.2d 800 (1981); Washington fish and wildlife commission policies concerning Columbia River fisheries; 40 Stat. 515 (Columbia River Compact).

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

Reasons for this Finding: Sets the 2019 winter, spring, and summer select area commercial seasons and allows for retention and sales of white sturgeon. Impacts to nonlocal stocks are expected to be minimal and local Chinook stocks reared for the select area sites are available for harvest. The fishery is consistent with the *U.S. v. Oregon* Management Agreement and the associated biological opinion. Conforms Washington state rules with Oregon state rules. Regulation is consistent with compact actions of January 29 and March 28, 2019. There is insufficient time to promulgate permanent rules.

Washington and Oregon jointly regulate Columbia River fisheries under the congressionally ratified Columbia River Compact. Four Indian tribes have treaty fishing rights in the Columbia River. The treaties preempt state regulations that fail to allow the tribes an opportunity to take a fair share of the available fish, and the states must manage other fisheries accordingly. *Sohappy v. Smith*, 302 F. Supp. 899 (D. Or. 1969). A court order sets the current parameters. *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2018-2027 *United States v. Oregon* Management Agreement (February 26, 2018) (Doc. No. 2607-1). Some salmon and steelhead stocks in the Columbia River are listed as threatened or endangered under the federal ESA. On February 23, 2018, the National Marine Fisheries Service issued a biological opinion under 16 U.S.C. § 1536 that allows for some incidental take of these species in the fisheries as

described in the 2018-2027 *U.S. v. Oregon* Management Agreement.

Some Columbia River Basin salmon and steelhead stocks are listed as threatened or endangered under the federal ESA. The Washington and Oregon fish and wildlife commissions have developed policies to guide the implementation of such biological opinions in the states' regulation of nontreaty fisheries.

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

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

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

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

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

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

Date Adopted: March 29, 2019.

Kelly Susewind  
Director

## NEW SECTION

**WAC 220-358-03000Y Columbia River seasons below Bonneville.** Notwithstanding the provisions of WAC 220-358-030, WAC 220-358-040, and WAC 220-335-050, it is unlawful for a person to take or possess salmon, sturgeon, and shad for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, 1E and Select Areas, except during the times and conditions listed below:

### **(1) Tongue Point/South Channel**

#### **(a) Dates:**

#### Tongue Point and South Channel open:

#### Spring/Summer Season:

Thursday night April 18 from 7 PM to 11 PM (4 hours),  
Tuesday night April 23 from 10 PM to 2 AM (4 hours),  
Friday April 26 from midnight to 4 AM (4 hours), and  
Monday and Thursday nights (7 PM to 7 AM) from  
April 29 through May 29

#### South Channel open:

#### Winter Season:

Monday (6 PM - 10PM) April 1,  
Thursday night April 4 from 8 PM to midnight (4 hours),

Monday night April 8 from 10 PM to 2 AM (4 hours),  
and

Friday April 12 from midnight to 4 AM (4 hours)

#### **(b) Area:**

The Tongue Point Winter-Spring Subarea is defined as waters of the Columbia River bounded by a line from the end of the southern-most pier (#1) at the Tongue Point Job Corps facility projecting in a straight line through flashing red USCG light "6" to the shore of Mott Island, a line from a regulatory marker at the southeast end of Mott Island northeasterly to a regulatory marker on the northwest shore of Lois Island, and a line from a regulatory marker located on the Oregon shore approximately 300 yards northwest of the railroad bridge crossing the John Day River projecting easterly to a regulatory marker on the southwest shore of Lois Island. If the marker on the Oregon shore is not in place, the upper boundary is defined by a line projecting easterly from a point (46°10'57.7"N latitude 123°44'35.3"W longitude) on the Oregon shore approximately 300 yards northwest of the railroad bridge crossing the John Day River to a regulatory marker on the southwest shore of Lois Island.

The South Channel Select Area is defined as waters of the Columbia River bounded by a line from a regulatory marker on the Oregon shore at John Day Point projecting northeasterly to a regulatory marker on the southwest shore of 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.

Winter season: 7-inch minimum mesh size restriction

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

The maximum net length is 1,500 feet (250 fathoms).

In the Tongue Point winter-spring subarea the lead line weight may not exceed two pounds per any one fathom;

In the South Channel Select Area, there is no lead line weight limit and attachment of additional weight and anchors directly to the lead line is permitted.

Nets not specifically authorized for use may be onboard a vessel if properly stored, however, unstored gillnets legal for use in South Channel may be onboard. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(d) Allowable sales: Salmon (except Chum) and shad. Retention and sale of sturgeon is prohibited

#### **(e) Miscellaneous:**

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

24-hour quick reporting required for Washington buyers, pursuant to WAC 220-352-315.

Oregon buyers are required to submit fish receiving tickets electronically pursuant to OAR 635-006-0210.

### **(2) Blind Slough/Knappa Slough Select Area**

#### **(a) Dates:**

#### Winter Season:

#### Knappa Slough only

Monday night April 1 from 6 PM to 10 PM (4 hours).

#### Blind Slough only

Monday night April 1 from 7PM to 7 AM (12 hours),  
 Thursday night April 4 from 7 PM to 7 AM (12 hours),  
 Monday night April 8 from 7 PM to 7 AM (12 hours),  
 and

Thursday night April 11 from 7 PM to 7 AM (12 hours).

Spring Season:

Tuesday and Thursday nights (7 PM to 7 AM) from  
 April 18-26, and

Monday, Wednesday, and Thursday nights (7 PM to 7  
 AM) from April 29 through June 14.

Summer Season:

Monday and Thursday nights (7 PM to 7 AM) from June  
 17 through June 28.

(b) **Area:**

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

The Knappa Slough Select Area is defined as 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 pro-  
 jecting southerly from a regulatory marker on the southwest-  
 ern tip of Karlson Island through regulatory 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.

Prior to May 6, the downstream (western) boundary in  
 Knappa Slough is a north-south line projecting through the  
 easternmost tip of Minaker Island and regulatory markers on  
 Karlson Island and the Oregon shore.

(c) **Gear:** Gillnets.

Winter season: 7-inch minimum mesh size restriction.

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

The maximum net length is 600 feet (100 fathoms).

There is no lead line weight limit and attachment of addi-  
 tional weight or anchors directly to the lead line is permitted.

(d) **Miscellaneous:** Permanent transportation rules in  
 effect. In accordance with WACs 220-69-230 (1)(i) and 220-  
 22-010 (9)(a-b), commercial fishers are expected, and fish  
 dealers are required, to report landings for winter-summer  
 fisheries in Knappa Slough and Blind Slough separately  
 using appropriate zone codes. Fish dealers are requested to  
 keep landings from these two sites separate to aid in sam-  
 pling.

(3) **Allowable Possession:** Salmon (except chum), white  
 sturgeon, and shad. A maximum of four white sturgeon with  
 a fork length of 44-50 inches fork length may be possessed or  
 sold by each participating vessel during each calendar week  
 (Sunday through Saturday). The four white sturgeon posses-  
 sion and sales limit includes all Select Area fisheries.

(4) **24-hour** quick reporting is in effect for Washington  
 buyers (WAC 220-352-315)). Permanent transportation rules  
 in effect. Oregon buyers are required to submit fish receiving  
 tickets electronically pursuant to OAR 635-006-0210.

Unique catch reporting codes have been established for Blind  
 Slough and Knappa Slough to facilitate separation of land-  
 ings and sampling for winter/spring fisheries.

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

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

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

**Reviser's note:** The typographical 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 220-358-03000X Columbia River seasons below  
 Bonneville (19-20)

**WSR 19-08-057**

**EMERGENCY RULES**

**DEPARTMENT OF**

**FISH AND WILDLIFE**

[Order 19-61—Filed March 29, 2019, 1:42 p.m., effective March 31, 2019,  
 7:00 p.m.]

Effective Date of Rule: March 31, 2019, 7:00 p.m.

Purpose: Amends Puget Sound commercial crab rules.

Citation of Rules Affected by this Order: Repealing  
 WAC 220-340-45500U; and amending WAC 220-340-455.

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 per-  
 manent rule would be contrary to the public interest.

Reasons for this Finding: This emergency rule is needed  
 to close the Puget Sound commercial crab fishery in Region  
 1. It will maintain the current closures of Regions 2 East and  
 2 West. It will close the Puget Sound commercial crab har-  
 vest in Regions 3-1 and 3-2. It will continue the commercial  
 opportunity in Regions 3-3 East and 3-3 West. Pot limits in  
 Regions 3-3 East and 3-3 West will remain at sixty pots per  
 license. There is sufficient allocation available in the com-  
 mercial regions to accommodate the continued opening.  
 These provisions are in conformity with agreed management  
 plans with applicable tribes. These management plans are  
 entered into as required by court order. The Puget Sound  
 commercial season is structured to meet harvest allocation

objectives negotiated with applicable treaty tribes and outlined in the management 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: March 29, 2019.

Kelly Susewind  
Director

#### NEW SECTION

**WAC 220-340-45500V Commercial crab fishery—Seasons and areas—Puget Sound.** Notwithstanding the provisions of WAC 220-340-455:

(1) Effective immediately, until further notice, Crab Management Region 1 is closed. Region 1 includes Marine Fish-Shellfish Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, and 22B.

(2) Effective immediately, until further notice, Crab Management Region 2 West is closed. Region 2 West includes Marine Fish-Shellfish Catch Reporting Areas 25B, 25D and 26AW.

(3) Effective immediately until further notice, Crab Management Region 2 East is closed. Region 2 East includes Marine Fish-Shellfish Catch Reporting Areas 24A, 24B, 24C, 24D and 26A East.

(4) Effective at 7:00 PM, March 31, 2019, until further notice, Crab Management Region 3-1 and 3-2 are closed. These regions include Marine Fish-Shellfish Catch Reporting Areas 23A, 23B, 23D, 25A and 25E.

(5) Effective immediately, until further notice, it is unlawful for any license holder or alternate operator to fish for crabs for commercial purposes with more than 60 pots per license in Crab Management Region 3-3 East and 3-3 West. This region includes Marine Fish-Shellfish Catch Reporting Area 23C and 29.

(6) All remaining buoy tags per license must be onboard the designated vessel and available for immediate inspection.

(7) Effective immediately, until further notice, the following areas are closed to commercial crab fishing:

(a) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of the 123°7.0' longitude line projected from the new Dungeness light due south to the shore of Dungeness Bay.

(b) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 23D west of a line from the eastern tip of Ediz Hook to the ITT Rayonier Dock.

#### REPEALER

The following sections of the Washington Administrative code are repealed effective 7:00 p.m. March 31, 2019:

WAC 220-340-45500U Commercial crab fishery—Seasons and areas—Puget Sound. (19-44)

#### **WSR 19-08-060 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE**

[Order 18-54—Filed March 29, 2019, 1:50 p.m., effective April 10, 2019, 12:00 p.m.]

Effective Date of Rule: April 10, 2019, 12:00 p.m.

Purpose: Amend recreational fishing rules for Kline Pond.

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

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

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

Reasons for this Finding: This rule change is necessary to ensure a safe and successful Kline kids fishing event. Block nets will be installed in Kline Pond beginning at noon on April 10, 2019, and several thousand trout will be planted into the netted-off areas along the shoreline on April 11, 2019. This will allow them time to acclimate to the pond prior to the event. On the days of the event, registered children will be allowed to fish within the netted areas. Public anglers will not be able to fish until the pond reopens on Sunday, April 14, 2019.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 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: March 29, 2019.

Kelly Susewind  
Director

### NEW SECTION

**WAC 220-312-03000M Southwest—Freshwater exceptions to statewide rules.** Notwithstanding the provisions of WAC 220-312-030, effective 12 p.m., April 10 through April 13, 2019:

**Klineline Pond (Clark Co.):**

(1) From 12 p.m., April 10 through April 11, 2019: Closed waters.

(2) From April 12 through April 13, 2019: Gamefish open for individuals registered in the Klineline Kids Youth Fishing Event only.

### REPEALER

The following section of the Washington Administrative Code is repealed effective April 14, 2019:

WAC 220-312-03000M Southwest—Freshwater exceptions to statewide rules.

**WSR 19-08-061  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 19-47—Filed March 29, 2019, 1:53 p.m., effective March 29, 2019, 1:53 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends recreational steelhead fishing rules for the Columbia River.

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

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

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

Reasons for this Finding: This restriction is necessary to protect upper Columbia River steelhead. Steelhead fisheries remain closed in all areas of the upper Columbia River and tributaries due to the low returns in 2018. Restricting the fishery to Ringold Springs-origin hatchery steelhead (those marked by clipped adipose and right ventral fins) will provide anglers the opportunity to harvest hatchery steelhead while reducing impacts to upper Columbia River steelhead. This emergency rule also implements at the Ringold access area fishery a voluntary barbless hook policy approved by the Washington fish and wildlife commission in early March. There is insufficient time to promulgate permanent rules.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 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: March 28, 2019.

Kelly Susewind  
Director

### NEW SECTION

**WAC 220-312-06000F Exceptions to statewide rules—Columbia River.** Notwithstanding the provisions of WAC 220-312-060, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect, effective April 1 through April 15, 2019:

**From .25 mile downstream of the Ringold Wasteway outlet to .5 mile upstream of Spring Creek:**

(a) The use of barbed hooks for steelhead is permissible.  
(b) Fishing is allowed only from the bank and only on the hatchery side of the river.

(c) Steelhead: Daily limit 2 hatchery steelhead with both the adipose and right ventral fin clipped as evidenced by a healed scar. Release all other steelhead.

**WSR 19-08-062  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 19-60—Filed March 29, 2019, 1:55 p.m., effective March 29, 2019, 1:55 p.m.]

Effective Date of Rule: Immediately upon filing.

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

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

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

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

Reasons for this Finding: This rule is needed to allow a limited harvest of white sturgeon in the Columbia River estuary. The legal-size population is large enough to allow for a retention fishery within the lower Columbia River. This action is consistent with decisions made by the states of Washington and Oregon on January 4 and March 28, 2019. There is insufficient time to adopt permanent regulations.

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: March 29, 2019.

Kelly Susewind  
Director

#### NEW SECTION

**WAC 220-312-06000G 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 Buoy 10 upstream to Wauna powerlines, including Youngs Bay, and all adjacent Washington tributaries:

(a) It is permissible to retain white sturgeon on the following dates: May 13, May 15, May 18, May 20, May 22, May 25, May 27, May 29, June 1, June 3, and June 5, 2019.

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

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

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

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

(a) Retention of white sturgeon is prohibited.

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

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-312-06000D Freshwater exceptions to statewide rules—Columbia River. (19-04)

**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.

#### **WSR 19-08-063 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE**

[Order 19-62—Filed March 29, 2019, 2:17 p.m., effective March 29, 2019, 2:17 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amends recreational razor clam rules.

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

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

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

Reasons for this Finding: This emergency rule is needed to open the recreational razor clam season. Survey results show that adequate clams are available for harvest in Razor Clam Areas 3 and 5 for recreational harvest. Washington department of health has certified clams from this beach to be safe for human consumption. 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: March 29, 2019.

Kelly Susewind  
Director

#### NEW SECTION

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

(1) Effective 12:01 a.m. April 6, 2019 through 11:59 a.m. April 7, 2019, razor clam digging is permissible in Razor

Clam Area 3. Digging is permissible from 12:01 a.m. to 11:59 a.m. each day only.

(2) Effective 12:01 a.m. April 6, 2019 through 11:59 a.m. April 8, 2019, razor clam digging is permissible in Razor Clam Area 5. Digging is permissible from 12:01 a.m. to 11:59 a.m. each day only.

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

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 p.m. April 9, 2019:

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

**WSR 19-08-069**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 19-64—Filed April 1, 2019, 4:14 p.m., effective April 3, 2019, 12:01 a.m.]

Effective Date of Rule: April 3, 2019, 12:01 a.m.

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

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

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

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

Reasons for this Finding: This rule is needed to close white sturgeon retention in John Day Pool. Harvest estimates indicate the quota of one hundred five white sturgeon was reached over this past weekend due to a substantial increase in fishing effort. This measure is necessary to limit overharvest on the population. This action is consistent with decisions made by the states of Washington and Oregon on January 4, March 28, and April 1, 2019. There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: April 1, 2019.

Joe Stohr  
for Kelly Susewind  
Director

#### NEW SECTION

**WAC 220-312-06000H 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 Buoy 10 upstream to Wauna powerlines, including Youngs Bay, and all adjacent Washington tributaries:

(a) It is permissible to retain white sturgeon on the following dates: May 13, May 15, May 18, May 20, May 22, May 25, May 27, May 29, June 1, June 3, and June 5, 2019.

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

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

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

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

(a) Retention of white sturgeon is prohibited.

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

(3) Effective 12:01 a.m. April 3, 2019, from John Day Dam to McNary Dam, including adjacent tributaries:

(a) Retention of white sturgeon is prohibited.

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

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-312-06000G Freshwater exceptions to statewide rules—Columbia River. (19-60)

**WSR 19-08-072**  
**EMERGENCY RULES**  
**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Services and Enterprise Support Administration)

[Filed April 2, 2019, 8:53 a.m., effective April 2, 2019, 8:53 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The department is amending WAC 388-03-160 to help mitigate a potential shortage of certified or authorized interpreters and translators that could occur when the creden-



tials of interpreters and translators who have not yet completed the requirements to maintain their certifications or authorizations expire on April 6, 2019. A temporary reinstatement of expired credentials will allow interpreters and translators more time to provide services to department limited English proficient clients while they seek to establish new certifications or authorizations.

Citation of Rules Affected by this Order: Amending WAC 388-03-160.

Statutory Authority for Adoption: RCW 74.08.090, 45 C.F.R. Section 80.3 (b)(2), RCW 74.04.025, Civil Right[s] Act of 1964, *Reyes vs. Thompson* Consent Order.

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 deadline for interpreters and translators to meet the requirements to maintain their certifications or authorizations is April 6, 2019. There is not enough time for the department to go through the regular rule-making process before a potentially large number of interpreters and translators lose their credentials.

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

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

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

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

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

Date Adopted: March 28, 2019.

Katherine I. Vasquez  
Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 16-04-021, filed 1/22/16, effective 2/22/16)

**WAC 388-03-160 How do I maintain my certification or authorization status?** (1) If you have been certified or authorized as a department bilingual employee or LAPL, your status does not expire as long as you remain in a designated bilingual position within the position cluster for which you were certified/authorized. Otherwise:

(a) If you moved out of a designated bilingual position and do not use your bilingual skills for four consecutive years or longer, you need to retest for the position cluster you are reentering; or

(b) If you are moving into a new designated bilingual position within a new position cluster, you need to meet the test requirements for the position cluster you are entering.

(2) If you have been certified or authorized as an interpreter or translator and are not a department employee, you can maintain your certification or authorization status by:

(a) Earning a minimum of twenty credit hours of DSHS approved continuing education (CE) every four years, of which at least one credit hour per year must be in ethics training. A current list of DSHS recognized continuing education and/or professional development courses is published on the LTC web site; or

(b) Retake the examination within four years from the date you were certified/authorized if you do not earn a minimum of twenty credit hours of DSHS recognized continuing education during this time frame. Once you pass all test requirements, a new certificate or authorization letter will be issued to you with a new expiration date. Your name and contact information will then be included for publication.

(c) Continuing education credits (CEC) earned before January 1, 2015 will not be accepted, even if the CEC were DSHS approved.

(3) If your certification or authorization status expires under WAC 388-03-164, between April 6, 2019 and July 28, 2019, your certification or authorization is temporarily reinstated.

(a) The temporary reinstatement extends your certification or authorization status until the reinstatement expires on July 29, 2019.

(b) The reinstatement period does not allow you to earn missing continuing education or other renewal requirements that were due upon your original certification or authorization expiration date.

(c) During or after the temporary reinstatement period, you must follow the testing process specified in WAC 388-03-112 to earn a new certification or authorization.

## WSR 19-08-073

### EMERGENCY RULES

### DEPARTMENT OF

### FISH AND WILDLIFE

[Order 19-63—Filed April 2, 2019, 8:59 a.m., effective April 10, 2019]

Effective Date of Rule: April 10, 2019.

Purpose: Amends freshwater recreational rules for Columbia Park Pond.

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

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

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

Reasons for this Finding: This emergency rule is necessary to ensure safe and successful youth fishing events. The fish will be planted prior to the event to better acclimate them before the event. On the day of the events, preregistered

anglers will be allowed to fish. There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: April 2, 2019.

Joe Stohr  
for Kelly Susewind  
Director

#### NEW SECTION

**WAC 220-312-05000D Exceptions to statewide rules—Columbia Park Pond.** Notwithstanding the provisions of WAC 220-312-050, effective 12:01 a.m. April 10, through 5:00 p.m. April 13, 2019, it is unlawful to fish in Columbia Park Pond (Kennewick), except as provided in the subsections below:

(1) Open to fishing April 12, 2019, by registered juvenile anglers participating in the "Special Needs Youth Fishing Event".

(2) Open to fishing April 13, 2019, by registered juvenile anglers participating in the "Kids' Fishing Day" event.

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

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 5:01 p.m. April 13, 2019:

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

**WSR 19-08-075  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 19-65—Filed April 2, 2019, 9:42 a.m., effective April 2, 2019, 9:42 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This emergency rule will allow nontreaty commercial fishing opportunities in the Columbia River while protecting fish listed as threatened or endangered under the

Endangered Species Act (ESA). This rule implements federal court orders governing Washington's relationship with treaty Indian tribes, federal law governing Washington's relationship with Oregon, and Washington fish and wildlife commission policy guidance for Columbia River fisheries.

Citation of Rules Affected by this Order: Repealing WAC 220-358-03000Y; 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 2018-2027 *United States v. Oregon* Management Agreement (February 26, 2018) (Doc. No. 2607-1). *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 Knappa Slough select area commercial season to allow for additional opportunity to harvest spring Chinook as impacts to wild stocks are tracking close to expectations. Impacts to nonlocal Chinook stocks are expected to be minimal and local Chinook stocks reared for the select area sites are available for harvest. The fishery is consistent with the *U.S. v. Oregon* Management Agreement and the associated biological opinion. Conforms Washington state rules with Oregon state rules. Regulation is consistent with compact actions of January 29, March 28, and April 1, 2019. There is insufficient time to promulgate permanent rules.

Washington and Oregon jointly regulate Columbia River fisheries under the congressionally ratified Columbia River Compact. Four Indian tribes have treaty fishing rights in the Columbia River. The treaties preempt state regulations that fail to allow the tribes an opportunity to take a fair share of the available fish, and the states must manage other fisheries accordingly. *Sohappy v. Smith*, 302 F. Supp. 899 (D. Or. 1969). A court order sets the current parameters. *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2018-2027 *United States v. Oregon* Management Agreement (February 26, 2018) (Doc. No. 2607-1). Some salmon and steelhead stocks in the Columbia River are listed as threatened or endangered under the federal ESA. On February 23, 2018, the National Marine Fisheries Service issued a biological opinion under 16 U.S.C. § 1536 that allows for some incidental take of these species in the fisheries as described in the 2018-2027 *U.S. v. Oregon* Management Agreement.

Some Columbia River Basin salmon and steelhead stocks are listed as threatened or endangered under the federal ESA. The Washington and Oregon fish and wildlife commissions have developed policies to guide the implementation of such biological opinions in the states' regulation of nontreaty fisheries.

Columbia River nontreaty fisheries are monitored very closely to ensure compliance with federal court orders, ESA,

and commission guidelines. Because conditions change rapidly, the fisheries are managed almost exclusively by emergency rule. Representatives from the Washington (WDFW) and Oregon (ODFW) departments of fish and wildlife convene public hearings and take public testimony when considering proposals for new emergency rules. WDFW and ODFW then adopt regulations reflecting agreements reached.

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

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

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

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

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

Date Adopted: April 2, 2019.

Joe Stohr  
for Kelly Susewind  
Director

## NEW SECTION

**WAC 220-358-0300Z Columbia River seasons below Bonneville.** Notwithstanding the provisions of WAC 220-358-030, WAC 220-358-040, and WAC 220-335-050, it is unlawful for a person to take or possess salmon, sturgeon, and shad for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, 1E and Select Areas, except during the times and conditions listed below:

### **(1) Tongue Point/South Channel**

#### **(a) Dates:**

Tongue Point and South Channel open:

Spring/Summer Season:

Thursday night April 18 from 7 PM to 11 PM (4 hours),  
Tuesday night April 23 from 10 PM to 2 AM (4 hours),  
Friday April 26 from midnight to 4 AM (4 hours), and  
Monday and Thursday nights (7 PM to 7 AM) from  
April 29 through May 29

South Channel open:

Winter Season:

Thursday night April 4 from 8 PM to midnight (4 hours),  
Monday night April 8 from 10 PM to 2 AM (4 hours),  
and  
Friday April 12 from midnight to 4 AM (4 hours)

#### **(b) Area:**

The Tongue Point Winter-Spring Subarea is defined as waters of the Columbia River bounded by a line from the end of the southern-most pier (#1) at the Tongue Point Job Corps facility projecting in a straight line through flashing red USCG light "6" to the shore of Mott Island, a line from a regulatory marker at the southeast end of Mott Island northeast-

erly to a regulatory marker on the northwest shore of Lois Island, and a line from a regulatory marker located on the Oregon shore approximately 300 yards northwest of the railroad bridge crossing the John Day River projecting easterly to a regulatory marker on the southwest shore of Lois Island. If the marker on the Oregon shore is not in place, the upper boundary is defined by a line projecting easterly from a point (46°10'57.7"N latitude 123°44'35.3"W longitude) on the Oregon shore approximately 300 yards northwest of the railroad bridge crossing the John Day River to a regulatory marker on the southwest shore of Lois Island.

The South Channel Select Area is defined as waters of the Columbia River bounded by a line from a regulatory marker on the Oregon shore at John Day Point projecting northeasterly to a regulatory marker on the southwest shore of 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.

Winter season: 7-inch minimum mesh size restriction

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

The maximum net length is 1,500 feet (250 fathoms).

In the Tongue Point winter-spring subarea the lead line weight may not exceed two pounds per any one fathom;

In the South Channel Select Area, there is no lead line weight limit and attachment of additional weight and anchors directly to the lead line is permitted.

Nets not specifically authorized for use may be onboard a vessel if properly stored, however, unstored gillnets legal for use in South Channel may be onboard. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(d) Allowable sales: Salmon (except Chum) and shad. Retention and sale of sturgeon is prohibited

#### **(e) Miscellaneous:**

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

24-hour quick reporting required for Washington buyers, pursuant to WAC 220-352-315.

Oregon buyers are required to submit fish receiving tickets electronically pursuant to OAR 635-006-0210.

### **(2) Blind Slough/Knappa Slough Select Area**

#### **(a) Dates:**

Winter Season:

Knappa Slough only

Thursday April 4 from 8 PM to midnight (4 hours)  
Monday April 8 from 10 PM to 2 AM Tuesday April 9 (4 hours)

Friday April 12 from Midnight to 4 AM (4 hours)

Blind Slough only

Thursday night April 4 from 7 PM to 7 AM (12 hours),  
Monday night April 8 from 7 PM to 7 AM (12 hours),  
and

Thursday night April 11 from 7 PM to 7 AM (12 hours).

Spring Season:

Tuesday and Thursday nights (7 PM to 7 AM) from  
April 18-26, and

Monday, Wednesday, and Thursday nights (7 PM to 7 AM) from April 29 through June 14.

Summer Season:

Monday and Thursday nights (7 PM to 7 AM) from June 17 through June 28.

(b) **Area:**

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

The Knappa Slough Select Area is defined as 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 regulatory 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.

Prior to May 6, the downstream (western) boundary in Knappa Slough is a north-south line projecting through the easternmost tip of Minaker Island and regulatory markers on Karlson Island and the Oregon shore.

(c) **Gear:** Gillnets.

Winter season: 7-inch minimum mesh size restriction.

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

The maximum net length is 600 feet (100 fathoms).

There is no lead line weight limit and attachment of additional weight or anchors directly to the lead line is permitted.

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

(3) **Allowable Possession:** Salmon (except chum), white sturgeon, and shad. A maximum of four white sturgeon with a fork length of 44-50 inches fork length may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday). The four white sturgeon possession and sales limit includes all Select Area fisheries.

(4) **24-hour** quick reporting is in effect for Washington buyers (WAC 220-352-315)). Permanent transportation rules in effect. Oregon buyers are required to submit fish receiving tickets electronically pursuant to OAR 635-006-0210. Unique catch reporting codes have been established for Blind Slough and Knappa Slough to facilitate separation of landings and sampling for winter/spring fisheries.

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

(6) **Lighted Buoys:** Nets that are fished at any time between official sunset and official sunrise must have lighted buoys on both ends of the net unless the net is attached to the

boat. If the net is attached to the boat, then one lighted buoy on the opposite end of the net from the boat is required.

**Reviser's note:** The 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.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-358-03000Y Columbia River seasons below Bonneville (19-59)

**WSR 19-08-084**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 19-67—Filed April 3, 2019, 9:39 a.m., effective April 3, 2019, 9:39 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend coastal commercial crab fishing rules.

Citation of Rules Affected by this Order: Repealing WAC 220-340-42000Q and 220-340-45000L; and amending WAC 220-340-420 and 220-340-450.

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 reduce the size of the special management area that is closed to state fishers. The pot limits reduce the number of lines in the water to reduce the risk of marine mammal interactions and reduce the crowding effect in this restricted area. 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: April 3, 2019.

Joe Stohr  
for Kelly Susewind  
Director

NEW SECTION

**WAC 220-340-42000R Commercial crab fishery—Unlawful acts.** Notwithstanding the provisions of WAC 220-340-420:

(1) Effective immediately until further notice, it is unlawful for a vessel to use more than 200 pots in the area between Split Rock (47°24.50') and Raft River (47°28.00') shoreward of a line approximating the 27-fathom depth curve. It is unlawful for a vessel to use more than 200 pots in the in the area between the Copalis River (47°08.00) and Point Grenville (47°18.35' N. lat.) shoreward of a line approximating the 27-fathom depth curve. Fishers must pre-register with the Department of Fish and Wildlife 24 hours prior to deploying gear in this area by one of the three following methods:

- Fax transmission to Robert Morgan at 360-249-1229;
- E-mail to Robert Morgan at Robert.Morgan@dfw.wa.gov; or
- Telephone call to Robert Morgan at 360-249-1206.

(2) All other provisions of the permanent rule remain in effect.

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

NEW SECTION

**WAC 220-340-45000M Commercial crab fishery—Seasons and areas—Coastal.** Notwithstanding the provisions of WAC 220-340-450, it is unlawful to fish for Dungeness crab in Washington coastal waters, the Pacific Ocean, Grays Harbor, Willapa Bay, or the Columbia River, except as provided in this section.

(1) Open area: The area from the WA/OR border (46°15.00') to the U.S. Canada border including Grays Harbor and Willapa Bay.

(2) For waters of the Pacific Ocean north of Point Arena, California, it is unlawful for a person to use a vessel to fish in any area where the season opening is delayed due to marine biotoxins for the first 30 days following the opening of the area if the vessel was employed in the coastal crab fishery during the previous 45 days.

(3) The Quinault primary special management area (SSMA) is closed to fishing for Dungeness crab until further notice. The SSMA includes the area shoreward of a line approximating the 27-fathom depth curve between Split Rock (47°24.50') and Point Grenville (47°18.35' N. lat.) according to the following coordinates:

- (a) Northeast Corner (Split Rock): 47°24.50' N. Lat. 124°20.00' W. Lon.
- (b) Northwest Corner: 47°28.00' N. Lat. 124°34.00' W. Lon.
- (c) Southwest Corner: 47°18.35' N. Lat. 124°30.2' W. Lon.
- (d) Southeast Corner (Point Grenville): 47°18.35' N. Lat. 124°16.71' W. Lon.

(4) The Quileute special management area (SMA) is closed to fishing for Dungeness crab until further notice. The SMA includes the area shoreward of a line approximating the 30-fathom depth curve between Destruction Island and Cape Johnson according to the following points:

- (a) Northeast Corner (Cape Johnson): 47°58.00' N. Lat. 124°40.40' W. Lon.
- (b) Northwest Corner: 47°58.00' N. Lat. 124°49.00' W. Lon.
- (c) Southwest Corner: 47°40.50' N. Lat. 124°40.00' W. Lon.
- (d) Southeast Corner (Destruction Island): 47°40.50' N. Lat. 124°24.43' W. Lon.

(5) All other provisions of the permanent rule remain in effect.

**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 sections of the Washington Administrative Code are repealed:

- WAC 220-340-42000Q Commercial crab fishery—Unlawful acts. (19-56)
- WAC 220-340-45000L Commercial crab fishery—Seasons and areas—Coastal. (19-37)