

**WSR 23-10-006**  
**EMERGENCY RULES**  
**BOARD OF**  
**PILOTAGE COMMISSIONERS**

[Filed April 21, 2023, 8:21 a.m., effective April 21, 2023, 8:21 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: To amend WAC 363-116-078 Pilot training program pursuant to RCW 34.05.350 Emergency rules and amendments in response to the COVID-19 pandemic and other emergency situations as defined by RCW 34.05.350.

Citation of Rules Affected by this Order: Amending WAC 363-116-078.

Statutory Authority for Adoption: Chapter 88.16 RCW, Pilotage Act.

Other Authority: RCW 34.05.350 Emergency rules and amendments.

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

Reasons for this Finding: To minimize the risk of introducing COVID-19 vectors of exposure onto a vessel or to pilot trainees, the board of pilotage commissioners (BPC) may suspend or adjust the pilot training program, including the number of trips needed to obtain maximum monthly stipend, as recommended by BPC's trainee evaluation committee (TEC). TEC may also consider additional training opportunities for pilot trainees, such as distance learning.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: April 20, 2023.

Jaimie C. Bever  
Executive Director

**OTS-2151.4**

AMENDATORY SECTION (Amending WSR 19-03-141, filed 1/22/19, effective 2/22/19)

**WAC 363-116-078 Pilot training program.** After passing the written examination and simulator evaluation, pilot candidates pursuing a

pilot license are positioned on a list for the applicable pilotage district(s) and must enter and successfully complete a training program specified by the board before consideration for licensure.

(1) Notification. Pilot candidates on a list as described in subsection (2) of this section, waiting to enter a training program shall provide the board with the best address for notification to enter into a training program. In addition, a pilot candidate shall provide the board with other means of contact such as postal mailing or email address, phone number, and/or fax number. The email address with a read receipt request, however, will be considered the primary means of notification by the board. It will be the responsibility of the pilot candidate to ensure the board has current contact information at all times. If a pilot candidate cannot personally receive postal or electronic mail at the address(es) provided to the board for any period of time, another person may be designated in writing as having power of attorney specifically to act in the pilot candidate's behalf regarding such notice. If notice sent to the email address provided by the pilot candidate is not acknowledged after three attempts or if notice sent via certified mail is returned after three attempts to deliver, that pilot candidate will be skipped and the next pilot candidate on the list will be contacted for entry into a training program. A person so skipped will remain next on the list. A pilot candidate or his/her designated attorney-in-fact shall respond within (~~fifteen~~) 15 calendar days of receipt of notification to accept, refuse, or request a delayed entry into a training program.

(2) Entry. At such time that the board chooses to start a pilot candidate or candidates in a training program for either pilotage district, notification shall be given as provided in subsection (1) of this section. Pilot candidates shall be ranked in accordance with a point system established by the board based on overall performance on the written examination and simulator evaluation. Candidates shall be eligible to enter a training program for a pilotage district in the order of such rankings or as otherwise may be determined by the board. A pilot candidate who refuses entry into a program will be removed from the waiting list with no further obligation by the board to offer a position in that district's training program to such pilot candidate. If the pilot candidate indicated interest in the other pilotage district on the application for the written examination, the candidate shall remain available for that other district's training program in accordance with his/her position on that list.

(a) A pilot candidate who is not able to start a training program within two months of the board's specified entry date may, with written consent of the board, delay entry into that training program. When a pilot candidate delays entry into a training program by more than two months, the board gives notice to the next pilot candidate on the list for that pilotage district to enter a training program. The pilot candidate who delays entry shall remain eligible for the next position in that district provided that the next position becomes available within the earlier of:

- (i) Four years from the pilot candidate's taking the written examination; or
- (ii) The date scheduled for the next pilotage examination for the district.

(b) A pilot candidate not able to start in a training program within two months of the board's specified entry date and who does not obtain the board's written consent to delay entry into a training program shall no longer be eligible for that district's training program

without retaking the examination provided in WAC 363-116-076 and the simulator evaluation provided in WAC 363-116-077.

(3) Training license. Prior to receiving a training license pilot candidates must pass a physical examination by a board-designated physician and in accordance with the requirements of WAC 363-116-120 for initial pilot candidates. A form provided by the board must be completed by the physician and submitted to the board along with a cover letter indicating the physician's findings and recommendations as to the pilot candidate's fitness to pilot. The physical examination must be taken not more than (~~ninety~~) 90 days before issuance of the training license. Holders of a training license will be required to pass a general physical examination annually within (~~ninety~~) 90 days prior to the anniversary date of that training license. Training license physical examinations will be at the expense of the pilot candidate. All training licenses shall be signed by the chairperson or his/her designee and shall have an expiration date. Training licenses shall be surrendered to the board upon completion or termination of the training program.

(4) Development. As soon as practical after receiving notification of eligibility for entry into a training program as set forth in this section, the pilot candidate shall provide a completed experience questionnaire to the trainee evaluation committee (TEC), a committee created per subsection (11) of this section. The training program consists of three phases: Observation trips, training trips, and evaluation trips, and such other forms of learning and instruction that may be designated. The TEC shall recommend a training program for adoption by the board. After adoption by the board, it will be presented to the pilot candidate. If the pilot candidate agrees in writing to the training program, the board shall issue a training license to the pilot candidate, which license shall authorize the pilot candidate to take such actions as are contained in the training program. If the pilot candidate does not agree to the terms of a training program, in writing, within (~~fifteen~~) 15 business days of it being received by certified mail return receipt, or by email read receipt requested, that pilot candidate shall no longer be eligible for entry into that pilotage district's training program and the board may give notice to the next available pilot candidate that he/she is eligible for entry into a training program pursuant to the terms in subsections (1) and (2) of this section.

(5) Initial assigned route.

(a) The TEC shall assign an initial route to each trainee at the beginning of his/her training program between a commonly navigated port or terminal and the seaward boundary of the pilotage district.

(b) Unless an extension of time is granted by the board, within eight months of the beginning of the training program if the trainee is continuously on stipend, plus an additional month for every month a trainee is off stipend (up to a maximum of (~~fifteen~~) 15 months), the trainee must:

(i) Take and pass with a minimum score of (~~eighty~~) 80 percent all conning quizzes provided by the board applicable to the initial assigned route as described in subsection (8) of this section. These quizzes may be repeated as necessary provided that they may not be taken more than once in any seven-day period, and further provided that they must be successfully passed within the time period specified in (b) of this subsection; and

(ii) Take and pass with a minimum score of (~~eighty-five~~) 85 percent the local knowledge examination(s) provided by the board ap-

plicable to the initial assigned route as described in subsection (8) of this section. These examinations can be repeated as necessary provided that they may not be taken more than once in any seven-day period, and further provided that they must be successfully passed before the expiration date time period specified in (b) of this subsection; and

(iii) Possess a first class pilotage endorsement without tonnage or other restrictions on his/her United States Coast Guard license to pilot on the initial assigned route.

(6) Specification of trips. To the extent possible, a training program shall provide a wide variety of assigned requirements in three phases: Observation, training, and evaluation trips. A training program may contain deadlines for achieving full or partial completion of certain necessary actions. Where relevant, it may specify such factors as route, sequence of trips, weather conditions, day or night, stern or bow first, draft, size of ship and any other relevant factors. The board may designate specific trips or specific numbers of trips that shall be made with training pilots or with the pilot members of the TEC or with pilots designated by the TEC. In the Puget Sound pilotage district, pilot trainees shall complete a minimum of (~~one hundred fifty~~) 150 trips. The board shall set from time to time the minimum number of trips for pilot trainees in the Grays Harbor pilotage district. The total number of trips in a training program shall be established by the board based on the recommendation of the TEC. The board will ensure that during a training program the pilot trainee will get significant review by supervising pilots and the pilot members of the TEC or with pilots designated by the TEC.

(7) Length of training program. For the Puget Sound district the length of the program shall not exceed (~~thirty-six~~) 36 months. For the Grays Harbor district the length of the program will be determined at the time the training program is written.

(8) Local knowledge conning quizzes and local knowledge exams. A training program shall provide opportunities for the education of pilot trainees and shall provide for testing of pilot trainees on the local knowledge necessary to become a pilot. It shall be the responsibility of the pilot trainee to obtain the local knowledge necessary to be licensed as a pilot in the pilotage district for which he/she is applying. Each conning quiz will be organized by main channel routes, ports, and approaches. A conning quiz is not intended to replace a local knowledge exam as specified in subsection (5)(b)(ii) of this section, but there will be some overlap of subject matter. A pilot trainee shall pass a conning quiz or quizzes related to the route or harbor area to move from the observation phase to the training phase of his/her training program for that route or harbor area. After a trainee has successfully passed a conning quiz on a main channel route or a port and approach, he/she will be eligible to take the conn on that route or approach unless it is a U.S. flag vessel and the required federal pilotage endorsement has not been obtained. The local knowledge exam for the initial route must be completed within eight months of the training start date if the trainee is taking the stipend. For each month the trainee is off stipend, an additional month is added up to a maximum of (~~fifteen~~) 15 months to successfully pass the appropriate local knowledge exam. The final local knowledge exam must be completed before consideration for licensing and must be successfully passed before the expiration date of the training program. The conning quizzes and local knowledge exams will be administered at the offices of the board of pilotage commissioners. Eighty percent is the passing

grade for conning quizzes, and ((~~eighty-five~~)) 85 percent is required for the local knowledge exams. If a trainee fails a conning quiz or local knowledge exam, it may be retaken after seven days, but must be passed within the timing deadlines discussed above. The local knowledge required of a pilot trainee and the local knowledge examination(s) may include the following subjects as they pertain to the pilotage district for which the pilot trainee seeks a license:

- (a) Area geography;
  - (b) Waterway configurations including channel depths, widths and other characteristics;
  - (c) Hydrology and hydraulics of large ships in shallow water and narrow channels;
  - (d) Tides and currents;
  - (e) Winds and weather;
  - (f) Local aids to navigation;
  - (g) Bottom composition;
  - (h) Local docks, berths and other marine facilities including length, least depths and other characteristics;
  - (i) Mooring line procedures;
  - (j) Local traffic operations e.g., fishing, recreational, dredging, military and regattas;
  - (k) Vessel traffic system;
  - (l) Marine VHF usage and phraseology, including bridge-to-bridge communications regulations;
  - (m) Air draft and keel clearances;
  - (n) Submerged cable and pipeline areas;
  - (o) Overhead cable areas and clearances;
  - (p) Bridge transit knowledge - Signals, channel width, regulations, and closed periods;
  - (q) Lock characteristics, rules and regulations;
  - (r) Commonly used anchorage areas;
  - (s) Danger zone and restricted area regulations;
  - (t) Regulated navigation areas;
  - (u) Naval operation area regulations;
  - (v) Local ship assist and escort tug characteristics;
  - (w) Tanker escort rules - State and federal;
  - (x) Use of anchors and knowledge of ground tackle;
  - (y) Applicable federal and state marine and environmental safety law requirements;
  - (z) Marine security and safety zone concerns;
  - (aa) Harbor safety plan and harbor regulations;
  - (bb) Chapters 88.16 RCW and 363-116 WAC, and other relevant state and federal regulations in effect on the date the examination notice is published pursuant to WAC 363-116-076; and
  - (cc) Courses in degrees true and distances in nautical miles and tenths of miles between points of land, navigational buoys and fixed geographical reference points, and the distance off points of land for such courses as determined by parallel indexing along pilotage routes.
- (9) Rest. It is the responsibility of the pilot trainee to obtain adequate rest. Pilot trainees shall observe the rest rules for pilots in place by federal or state law or regulation and rules established in the applicable pilotage district in which they will train, or any other rest requirements contained in a training program.
- (10) Stipend.

(a) At the initial meeting with the TEC the pilot trainee shall indicate whether he/she wishes to receive a stipend during their training program. In the Puget Sound pilotage district, as a condition

of receiving such stipend, pilot trainees will agree to forego during their training program other full- or part-time employment which prevents them from devoting themselves on a full-time basis to the completion of their training program. With the consent of the TEC, pilot trainees may elect to change from a stipend to nonstipend status, and vice versa, during their training program provided that such change request is provided in writing from the trainee. If the trainee intends to be in nonstipend status more than four consecutive months, his/her particular training program may be constructed to provide re-ency and/or a change in seniority placement prior to resuming the training program. In the Puget Sound pilotage district the stipend paid to pilot trainees shall be a maximum of (~~six thousand dollars~~) \$6,000 per month (or such other amount as may be set by the board from time to time), shall be contingent upon the board's setting of a training surcharge in the tariffs levied pursuant to WAC 363-116-300 sufficient to cover the expense of the stipend, and shall be paid from a pilot training account as directed by the board. In the Grays Harbor pilotage district the stipend paid to pilot trainees shall be determined by the board and shall be contingent upon the board's receipt of funds, from any party collecting the tariff or providing funds, sufficient to cover the expense of the stipend and shall be paid from a pilot training account as directed by the board.

Determinations as to stipend entitlement will be made on a full calendar month basis and documentation of trips will be submitted to the board by the third day of the following month. Proration of the stipend shall be allowed at the rate of (~~two hundred dollars~~) \$200 per day (or such other amount as may be set by the board from time to time), under the following circumstances:

(i) For the first and last months of a training program (unless the training program starts on the first or ends on the last day of a month); or

(ii) For a pilot trainee who is deemed unfit for duty by a board-designated physician during a training month.

(b) (i) In the Puget Sound pilotage district a minimum of (~~twelve~~) 12 trips are required each month for eligibility to receive the minimum stipend amount as set by the board, or (~~eighteen~~) 18 trips to receive the maximum stipend amount as set by the board. A trainee may make more than (~~eighteen~~) 18 trips in a calendar month, but no further stipend will be earned for doing so. In the Grays Harbor pilotage district the minimum number of trips each month for eligibility to receive the stipend is (~~seventy~~) 70 percent or such number or percentage of trips that may be set by the board of the total number of vessel movements occurring in this district during that month. Only trips required by the training program can be used to satisfy these minimums. Trips will be documented at the end of each month.

(ii) Whenever the governor issues a proclamation declaring a state of emergency or if the board determines that there is immediate need to act for the preservation of public health, safety, or general welfare, and that there is a threat to trainees, pilots, vessel crews, or members of the public, notwithstanding the other provisions of this chapter, the board, at its discretion, may suspend or adjust the pilot training program. Suspending or adjusting the pilot training program may include the number of trips necessary to receive the maximum stipend allowable under this section as determined by the board. The trainee evaluation committee may further consider additional nonship-board pilot training including, but not limited to, distance learning.

(c) The TEC will define areas that are considered to be hard-to-get, which many differ for trainees depending on their date of entry. It is the pilot trainee's responsibility to make all available hard-to-get trips, as defined and assigned by the TEC. The board may elect not to pay the stipend if the missing trips were available to the pilot trainee but not taken.

(d) The TEC, with approval by the board may allocate, assign or specify training program trips among multiple pilot trainees. Generally, the pilot trainee who entered his/her training program earlier has the right of first refusal of training program trips provided that the TEC may, with approval by the board, allocate or assign training trips differently as follows:

(i) When it is necessary to accommodate any pilot trainee's initial route;

(ii) When it is necessary to spread hard-to-get trips among pilot trainees so that as many as possible complete required trips on time. If a pilot trainee is deprived of a hard-to-get trip by the TEC, that trip will not be considered "available" under (c) of this subsection. However, the pilot trainee will still be required to complete the minimum number of trips for the month in order to receive a stipend, and the minimum number of trips as required to complete his/her training program;

(e) If a pilot trainee elects to engage in any full-or part-time employment, the terms and conditions of such employment must be submitted to the TEC for prior determination by the board of whether such employment complies with the intent of this section prohibiting employment that "prevents (pilot trainees) from devoting themselves on a full-time basis to the completion of the training program."

(f) If a pilot trainee requests to change to a nonstipend status as provided in this section such change shall be effective for a minimum nonstipend period of (~~thirty~~) 30 days beginning at the beginning of a month, provided that before any change takes effect, a request is made to the TEC in writing. The requirement for designated hard-to-get trips is waived during the time the pilot trainee is authorized to be in nonstipend status.

(g) Any approved pilot association or other organization collecting the pilotage tariff levied by WAC 363-116-185 or 363-116-300 shall transfer the pilot training surcharge receipts to the board at least once a month or otherwise dispose of such funds as directed by the board. In the Grays Harbor pilotage district, if there is no separate training surcharge in the tariff, any organization collecting the pilotage tariff levied by WAC 363-116-185 shall transfer sufficient funds to pay the stipend to the board at least once a month or otherwise dispose of such funds as directed by the board. The board may set different training stipends for different pilotage districts. Receipts from the training surcharge shall not belong to the pilot providing the service to the ship that generated the surcharge or to the pilot association or other organization collecting the surcharge receipts, but shall be disposed of as directed by the board. Pilot associations or other organizations collecting surcharge receipts shall provide an accounting of such funds to the board on a monthly basis or at such other intervals as may be requested by the board. Any audited financial statements filed by pilot associations or other organizations collecting pilotage tariffs shall include an accounting of the collection and disposition of these surcharges. The board shall direct the disposition of all funds in the account.

(11) Trainee evaluation committee. There is hereby created a trainee evaluation committee (TEC) to which members shall be appointed by the board. The TEC shall include at a minimum: Three active licensed Washington state pilots, who, to the extent possible, shall be from the pilotage district in which the pilot trainee seeks a license and at least one of whom shall be a member of the board; one representative of the marine industry (who may be a board member) who holds, or has held, the minimum U.S. Coast Guard license required by RCW 88.16.090; and one other member of the board who is not a pilot. The TEC may include such other persons as may be appointed by the board. The TEC shall be chaired by a pilot member of the board and shall meet as necessary to complete the tasks accorded it. In the event that the TEC cannot reach consensus with regard to any issue it shall report both majority and minority opinions to the board.

(12) Supervising pilots. The board shall designate as supervising pilots those pilots who are willing to undergo such specialized training as the board may require and provide. Supervising pilots shall receive such training from the board to better enable them to give guidance and training to pilot trainees and to properly evaluate the performance of pilot trainees. The board shall keep a list of supervising pilots available for public inspection at all times. All pilot members TEC shall also be supervising pilots.

(13) Training program trip reports. After each training program trip, the licensed or supervising pilot shall complete a training program trip report form (TPTR) provided by the board. Training program trip report forms prepared by licensed pilots who are supervising pilots shall be used by the TEC and the board for assessing a pilot trainee's progress, providing guidance to the pilot trainee and for making alterations to a training program. Licensed pilots who are not supervising pilots may only have trainees on board for observation trips. All trip report forms shall be delivered or mailed by the licensed or supervising pilot to the board. They shall not be given to the pilot trainee. The licensed or supervising pilot may show the contents of the form to the pilot trainee, but the pilot trainee has no right to see the form until it is filed with the board. The TEC shall review these training program trip report forms from time to time and the chairperson of the TEC shall report the progress of all pilot trainees at each meeting of the board. If it deems it necessary, the TEC may recommend, and the board may make, changes from time to time in the training program requirements applicable to a pilot trainee, including the number of trips in a training program.

(14) Termination of and removal from a training program. A pilot trainee's program may be immediately terminated and the trainee removed from a training program by the board if it finds any of the following:

(a) Failure to maintain the minimum federal license required by RCW 88.16.090;

(b) Conviction of an offense involving drugs or involving the personal consumption of alcohol;

(c) Failure to devote full time to training in the Puget Sound pilotage district while receiving a stipend;

(d) The pilot trainee is not physically fit to pilot;

(e) Failure to make satisfactory progress toward timely completion of the program or timely meeting of interim performance requirements in a training program;

(f) Inadequate performance on examinations or other actions required by a training program;



- (g) Failure to complete the initial route requirements specified in subsection (5) of this section within the time periods specified;
  - (h) Inadequate, unsafe, or inconsistent performance in a training program and/or on training program trips as determined by the supervising pilots, the TEC and/or the board; or
  - (i) Violation of a training program requirement, law, regulation or directive of the board.
- (15) Completion of a training program shall include the requirements that the pilot trainee:
- (a) Successfully complete all requirements set forth in the training program including any addendum(s) to the program;
  - (b) Possess a valid first class pilotage endorsement without tonnage or other restrictions on his/her United States government license to pilot in all of the waters of the pilotage district in which the pilot candidate seeks a license; and
  - (c) Complete portable piloting unit (PPU) training as defined by the TEC.

[Statutory Authority: Chapter 88.16 RCW. WSR 19-03-141, § 363-116-078, filed 1/22/19, effective 2/22/19; WSR 13-08-025, § 363-116-078, filed 3/27/13, effective 4/27/13; WSR 12-05-064, § 363-116-078, filed 2/15/12, effective 3/17/12; WSR 10-04-100, § 363-116-078, filed 2/3/10, effective 3/6/10. Statutory Authority: Chapter 88.16 RCW and 2008 c 128. WSR 08-15-119, § 363-116-078, filed 7/21/08, effective 8/21/08. Statutory Authority: RCW 88.16.105. WSR 06-20-107, § 363-116-078, filed 10/4/06, effective 11/4/06. Statutory Authority: Chapter 88.16 RCW and 2005 c 26. WSR 05-18-021, § 363-116-078, filed 8/29/05, effective 10/1/05.]

**WSR 23-10-008**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 23-55—Filed April 24, 2023, 1:57 p.m., effective April 24, 2023, 1:57 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule is to close salmon seasons in Catch Record Card Area 5.

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

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

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

Reasons for this Finding: This emergency rule is needed to close retention of salmon in Marine Area 5. Data to date indicate this fishery has reached 90 percent of the sublegal encounters (3,849 of 4,263) agreed to in this year's list of agreed fisheries. To meet conservation goals and avoid exceeding the fishery objectives, the fishery will close beginning Monday, April 24th.

There is insufficient time to file 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 Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: April 20, 2023.

Amy H. Windrope  
for Kelly Susewind  
Director

NEW SECTION

**WAC 220-313-06000T Puget Sound salmon—Saltwater seasons and daily limits.** Effective immediately, through April 30, 2023, the following provisions of WAC 220-313-060 regarding salmon seasons for Marine Area 5 shall be modified as described below. All other provisions of WAC 220-313-060 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

**Catch Record Card Area 5:** Salmon: Closed.

[ ]

**WSR 23-10-009**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 23-54—Filed April 24, 2023, 2:03 p.m., effective May 1, 2023]

Effective Date of Rule: May 1, 2023.

Purpose: The purpose of this emergency rule is to open the commercial crab fishery season in the Quileute special management area (SMA) with a pot limit beginning May 1.

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 necessary because provisions of state/tribal agreements have been met to allow opening of Quileute SMA with the temporary pot limit.

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 Nongovernmental 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 18, 2023.

Kelly Susewind  
Director

NEW SECTION

**WAC 220-340-42000Q Commercial crab fishery—Unlawful acts.** Effective May 1 through June 1, 2023, the provisions of WAC 220-340-420 regarding commercial crab pot limits for the Quileute SMA area, shall be modified as described below. All other provisions of WAC 220-340-420 not addressed herein remain in effect unless otherwise amended by emergency rule:

It unlawful for a vessel to use more than 100 pots in the Quileute SMA area between Cape Johnson (47°58.00') and Destruction Island (47°40.50') shoreward of a line approximating the 30-fathom depth curve, from 8:00 am May 1, 2023, until 8:00 am June 1, 2023. Fishers must pre-register with the Department of Fish and Wildlife 24 hours

prior to deploying gear in this area by one of the two following methods:

- E-mail to Jamie Fuller at [Jamie.Fuller@dfw.wa.gov](mailto:Jamie.Fuller@dfw.wa.gov); or
- Telephone call to Jamie Fuller at 360-580-0875.

[ ]

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

**Reviser's note:** The 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, effective May 1, 2023:

WAC 220-340-42000P Commercial crab fishery—Unlawful acts.  
(23-32)

**WSR 23-10-011**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 23-56—Filed April 24, 2023, 3:32 p.m., effective May 1, 2023]

Effective Date of Rule: May 1, 2023.

Purpose: Coastal commercial crab rule.

Citation of Rules Affected by this Order: Amending WAC  
220-340-480.

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: Additional reduced pot limit descriptions for vessels fishing in the Quinault Indian Nation usual and accustomed fishing area conform with recent state/tribal agreements and discussions regarding in-season modifications. 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 Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: April 24, 2023.

Amy H. Windrope  
for Kelly Susewind  
Director

NEW SECTION

**WAC 220-340-48000A Commercial crab fishery—Gear limits—Coastal.**  
Notwithstanding the provisions of WAC 220-340-480:

Summer management period—Pot limits. Beginning May 1, 2023 until further notice, it is unlawful for a person to deploy or fish more than the specified reduced pot limit assigned to each license, unless otherwise authorized by permit issued by the director. Each pot deployed during the summer management period must possess a summer buoy tag, unless authorized by permit issued by the director.

(a) Licenses with a permanent pot limit of 500 will be assigned a reduced pot limit of 330 pots.

(b) Licenses with a permanent pot limit of 300 will be assigned a reduced pot limit of 200 pots.

(c) It is unlawful to deploy gear that includes tags other than the summer buoy tag, unless authorized by permit issued by the director.

(d) Until further notice, it is unlawful for a person to deploy or fish more than the specified reduced pot limit assigned to each license if a vessel is fishing in the Quinault Indian Nation Usual and Accustomed Fishing Area.

(i) Licenses with a permanent pot limit of 500 will be assigned a reduced pot limit of 300 pots.

(ii) Licenses with a permanent pot limit of 300 will be assigned a reduced pot limit of 185 pots.

(iii) Vessels operating in the Quinault U&A must maintain onboard the excess crab pot buoy tags assigned to the Coastal Dungeness crab fishery license being fished.

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**WSR 23-10-013**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 23-57—Filed April 24, 2023, 4:33 p.m., effective May 1, 2023]

Effective Date of Rule: May 1, 2023.

Purpose: The purpose of this emergency rule is to open 2023 commercial salmon ocean troll seasons.

Citation of Rules Affected by this Order: Amending WAC 220-354-300.

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

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

Reasons for this Finding: A harvestable quota of salmon is available for the troll fleet. This regulation is necessary to both meet conservation limits and to provide fishing opportunity and its corresponding economic benefit. These rules are adopted at the recommendation of the Pacific Fisheries Management Council, in accordance with preseason fishing plans, and have been adopted for federal waters by the National Oceanic and Atmospheric Administration. 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 Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: April 24, 2023.

Amy H. Windrope  
for Kelly Susewind  
Director

NEW SECTION

**WAC 220-354-30000P Coastal salmon troll seasons—Commercial.**

Notwithstanding the provisions of WAC 220-354-300, WAC 220-353-050 and WAC 220-354-010, effective May 1, 2023, until further notice, it is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons and under conditions provided below:



(1) Salmon Management and Catch Reporting Areas 1, 2, 3, and that portion of Area 4 west of 125°05'00"W longitude and south of 48°23'00"N latitude open: May 1 through June 29, 2023.

(2) Grays Harbor Control Zone, defined by a line drawn from the Westport Lighthouse (46°53'18"N. lat., 124°07'01"W. long.); thence to Buoy #2 (46°52'42"N. lat., 124°12'42"W. long.); thence to Buoy #3 (46°55'00"N. lat., 124°14'48"W. long.); thence to the Grays Harbor north jetty (46°55'36"N. lat., 124°10'51"W. long.), open: May 1 through June 29, 2023.

(3) In Washington Catch Reporting Areas 1, 2, 3 and 4, landing and possession limits combined across all areas of:

(a) 200 Chinook per vessel for the period May 1 through May 10

(b) 150 Chinook per vessel per landing per landing week, defined as Thursday through Wednesday, from May 11 through June 21

(c) 150 Chinook per vessel for the landing period June 22 through June 29

(4) In Washington Catch Reporting Area 1, landing and possession limits of:

(a) 90 Chinook per vessel for the period May 1 through May 10

(b) 60 Chinook per vessel per landing per landing week, defined as Thursday through Wednesday, from May 11 through June 21

(c) 60 Chinook per vessel for the landing period June 22 through June 29

(5) In Washington Catch Reporting Area 2, landing and possession limits of:

(a) 200 Chinook per vessel for the period May 1 through May 10

(b) 150 Chinook per vessel per landing per landing week, defined as Thursday through Wednesday, from May 11 through June 21

(c) 150 Chinook per vessel for the landing period June 22 through June 29

(6) In Washington Catch Reporting Areas 3 and 4, landing and possession limits of:

(a) 105 Chinook per vessel for the period May 1 through May 10

(b) 70 Chinook per vessel per landing per landing week, defined as Thursday through Wednesday, from May 11 through June 21

(c) 70 Chinook per vessel for the landing period June 22 through June 29

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

(8) Minimum size for Chinook salmon is 27 inches in length (20 1/2 inches frozen dressed). No minimum size for pink, sockeye or chum salmon. It is unlawful to possess coho salmon.

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

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

(11) During any single trip, only one side of the Leadbetter Point line (46°38'10"N. lat.) may be fished.

(a) Vessels fishing or in possession of salmon while fishing south of Leadbetter Point must land and deliver all species of fish within the area south of Leadbetter Point.

(b) For delivery to Washington ports south of Leadbetter Point, vessels must notify WDFW at 360-249-1215 or by email at Danielle.Williams@dfw.wa.gov prior to crossing the Leadbetter Point line with area fished, total Chinook, coho, and halibut catch aboard, and destination with approximate time of delivery.

(c) Vessels may not land fish east of Tongue Point, Oregon.

(12) Vessels fishing or in possession of salmon north of Leadbetter Point must land and deliver all species of fish in a Washington port and must possess a Washington troll and/or salmon delivery license.

(a) Vessels in possession of salmon south of the Queets River may not cross the Queets River line (47°31'42"N. lat.) without first notifying WDFW at 360-249-1215 or by email at Danielle.Williams@dfw.wa.gov with area fished, total Chinook, coho, and halibut catch aboard and destination.

(b) Vessels in possession of salmon north of the Queets River may not cross the Queets River line without first notifying WDFW at 360-249-1215 or by email at Danielle.Williams@dfw.wa.gov with area fished, total Chinook, coho, and halibut catch aboard and destination.

(c) Vessels may not land fish east of the Sekiu River.

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**WSR 23-10-025**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 23-58—Filed April 26, 2023, 10:22 a.m., effective May 1, 2023]

Effective Date of Rule: May 1, 2023.

Purpose: The purpose of this emergency rule is to open recreational salmon seasons in the Skagit River, from Memorial Hwy. Bridge in Mt. Vernon to Gilligan Creek, May 1 through 31, 2023.

Citation of Rules Affected by this Order: Amending WAC 220-312-040.

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

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

Reasons for this Finding: This rule is necessary to open salmon seasons in the Skagit River, as agreed to, with comanagers during the 2023 North of Falcon proceedings. Harvestable numbers of hatchery spring Chinook are forecast to return to Marblemount Hatchery. There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: April 26, 2023.

Amy H. Windrope  
for Kelly Susewind  
Director

NEW SECTION

**WAC 220-312-04000E Freshwater exceptions to statewide rules—Puget Sound.** Effective May 1, through May 31, 2023 the following provisions of WAC 220-312-040 and WAC 220-220-160 regarding salmon seasons and two-pole fishing for the Skagit River from the Hwy. 536 Bridge in Mt. Vernon to Gilligan Creek, shall be as described below. All other provisions of WAC 220-312-040 and WAC 220-220-160 not addressed herein, or unless otherwise amended, remain in effect:

Skagit River (Skagit Co.): From the Hwy. 536 (Memorial Hwy.) Bridge in Mt. Vernon to Gilligan Creek: Salmon:

- (a) Daily limit 2. Release all salmon other than hatchery Chinook.
- (b) Night Closure in effect.
- (c) Anglers who possess a valid two-pole endorsement may fish with two lines.

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**WSR 23-10-026**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 23-59—Filed April 26, 2023, 10:24 a.m., effective May 2, 2023]

Effective Date of Rule: May 2, 2023.

Purpose: The purpose of this emergency rule is to open spring Chinook seasons in the Snake River.

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

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

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

Reasons for this Finding: The 2023 Columbia River forecasted return of upriver spring Chinook salmon is sufficiently abundant to allow for harvest opportunity on the Snake River based on the Washington department of fish and wildlife (WDFW) Commission Policy C-3620. The *U.S. v. Oregon* (2018-2027) Management Agreement provides Endangered Species Act (ESA) coverage for this fishery.

WDFW will monitor spring Chinook returns throughout the season and may close the fishery at any time due to harvest levels, ESA impacts, in-season run adjustments, or a combination thereof.

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 Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: April 26, 2023.

Amy H. Windrope  
for Kelly Susewind  
Director

NEW SECTION

**WAC 220-312-05000Y Freshwater exceptions to statewide rules—Eastside.** Effective May 2, 2023, until further notice, the following provisions of WAC 220-312-050, regarding salmon seasons in the Snake River shall be open as follows. All other provisions of WAC 220-312-050 remain in effect unless modified by emergency rule:

**(1) Snake River (Franklin/Walla Wall Counties): From Texas Rapids boat launch (south side of the river upstream of the mouth of Tucannon River) to the fishing restriction boundary below Little Goose Dam and including the rock and concrete area between the juvenile bypass re-turn pipe and little Goose Dam along the shoreline of the facility:**

Salmon:

(a) Effective May 2, 2023, until further notice: Open Tuesdays and Fridays only; closed Mondays, Wednesdays, Thursdays, Saturdays, and Sundays.

(b) Daily limit 4, of which up to 1 adult may be retained. Release all salmon other than hatchery Chinook.

(c) Night Closure.

(d) Barbless hooks required.

(e) Salmon may not be removed from the water unless retained as part of the daily limit.

**(2) Snake River (Franklin/Walla Wall Counties): the South Bound Highway 12 Bridge near Pasco upstream about 7 miles to the fishing restriction boundary below Ice Harbor Dam:** Salmon:

(a) Effective May 3, 2023, until further notice: Open Wednesdays and Thursdays only; closed Mondays, Tuesdays, Fridays, Saturdays, and Sundays.

(b) Daily limit 4, of which up to 1 adult may be retained. Release all salmon other than hatchery Chinook.

(c) Night Closure.

(d) Barbless hooks required.

(e) Salmon may not be removed from the water unless retained as part of the daily limit.

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**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 23-10-039**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 23-60—Filed April 27, 2023, 1:47 p.m., effective May 1, 2023]

Effective Date of Rule: May 1, 2023.

Purpose: The purpose of this emergency rule is to return coastal tributaries, previously closed by emergency rule, to permanent rules.

Citation of Rules Affected by this Order: Repealing WAC 220-312-02000A.

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 returns coastal tributaries to permanent rules, therefore implementing sport harvest opportunity for hatchery spring Chinook, hatchery coho, and game fish as agreed-to under the 2023 comanagement harvest agreement for spring and summer salmon fisheries in the Quillayute River system.

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 Nongovernmental 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: April 27, 2023.

Amy H. Windrope  
for Kelly Susewind  
Director

REPEALER

The following section of Washington Administrative code is repealed, effective May 1, 2023:

WAC 220-312-02000A Freshwater exceptions to statewide rules—Coast. (23-19)

**WSR 23-10-040**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 23-61—Filed April 27, 2023, 1:50 p.m., effective May 20, 2023]

Effective Date of Rule: May 20, 2023.

Purpose: The purpose of this emergency rule is to open gamefish seasons in Goose Creek for juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card.

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

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

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

Reasons for this Finding: Opening the fishing season a week early will allow anglers (those described in the fishery rules) to fish within the permitted enclosed portion of Goose Creek containing stocked trout (from a private vendor). This will allow for maximum harvest of stocked fish prior to the required enclosure removal date. 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 Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: April 27, 2023.

Amy H. Windrope  
for Kelly Susewind  
Director

NEW SECTION

**WAC 220-312-05000Z Eastside—Freshwater exceptions to statewide rules.** Notwithstanding the provisions of WAC 220-312-050, effective May 20 through May 26, 2023, game fish seasons for Goose Creek, within the city limits of Wilbur shall be modified as follows. All other provisions of WAC 220-312-050 not addressed herein remain in effect unless otherwise amended by emergency rule:



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

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WSR 23-10-044  
EMERGENCY RULES  
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Division of Vocational Rehabilitation)

[Filed April 27, 2023, 3:39 p.m., effective April 27, 2023, 3:39 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The current proposal would remove references in WAC to post-employment services provided by the division of vocational rehabilitation (DVR) as being available to the customer post exit. The department filed a CR-101 preproposal under WSR 22-12-030 to begin the permanent adoption process and has been working with tribes and stakeholders to develop permanent language. We have also implemented changes to our case management system and updated our customer services manual.

Citation of Rules Affected by this Order: Amending WAC 388-891A-0610 and 388-891A-0890.

Statutory Authority for Adoption: RCW 34.05.350 (1)(b), 74.29.020(8), and 74.29.050.

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: DVR received recent guidance from the rehabilitation services administration (RSA) that clarifies RSA's interpretation of when vocational rehabilitation agencies may provide post-employment services under the Rehabilitation Act. RSA's interpretation is inconsistent with how Washington DVR had been providing post-employment services and how it is defined in WAC. Provision of post-employment services is subject to receipt of federal funding. Continuing to apply WAC 388-891A-0610 and 388-891A-0890 as currently written will place DVR out of compliance with federal guidance and could jeopardize its ability to receive federal funding. If DVR chose not to continue the emergency rule it could be interpreted to be in violation of RCW 74.29.050.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: April 26, 2023.

Katherine I. Vasquez  
Rules Coordinator

SHS-4925.1

AMENDATORY SECTION (Amending WSR 18-12-035, filed 5/29/18, effective 6/30/18)

**WAC 388-891A-0610 How are individuals selected for services when DVR is operating under an order of selection?** When DVR is operating under an order of selection, individuals are selected for services as follows:

(1) At the time you are determined eligible for VR services, a DVR counselor assigns you to a priority category based on the severity of your disability.

(2) The priority categories are defined in WAC 388-891A-0620 through 388-891A-0660.

(3) As resources become available for DVR to serve additional individuals, DVR selects names from the waiting list in the priority category being served at that time.

(4) Within a priority category, the date you applied for VR services determines the order in which you are selected from the waiting list.

(5) DVR may provide you specific services or equipment without requiring that you wait for services under an order of selection if:

(a) You are at immediate risk of losing your job in a competitive integrated setting for reasons related to your disability; and

(b) You require specific services or equipment in the very near future that will enable you to keep your job.

~~((6) If you have successfully achieved an employment outcome as described in WAC 388-891A-1310, are currently employed, and require post-employment services, you are not required to wait for services under an order of selection.))~~

[Statutory Authority: RCW 74.29.020(8) and 34 C.F.R., Parts 361, 363, 397. WSR 18-12-035, § 388-891A-0610, filed 5/29/18, effective 6/30/18.]

AMENDATORY SECTION (Amending WSR 18-12-035, filed 5/29/18, effective 6/30/18)

**WAC 388-891A-0890 What are post-employment services?** Post-employment services include one or more vocational rehabilitation services provided if:

(1) ~~((Your case was closed because y))~~ You achieved ~~((an))~~ employment ~~((outcome))~~;

(2) Your rehabilitation needs are limited in scope and duration; and

(3) You need post-employment services to maintain, advance in, or regain employment that is consistent with your unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

[Statutory Authority: RCW 74.29.020(8) and 34 C.F.R., Parts 361, 363, 397. WSR 18-12-035, § 388-891A-0890, filed 5/29/18, effective 6/30/18.]

## WSR 23-10-047

## EMERGENCY RULES

## DEPARTMENT OF HEALTH

[Filed April 28, 2023, 7:50 a.m., effective April 28, 2023, 7:50 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: New WAC 246-320-700 Reporting of health system readiness data. The department of health (department) is extending this emergency rule, WAC 246-320-700, to continue to require acute care hospitals licensed under chapter 70.41 RCW to report hospital maintenance and operation data to the department through Washington's health care and emergency and logistics tracking hub (WA HEALTH) in accordance with the WA HEALTH user guide. WA HEALTH continues to be used daily for state and local public health and medical preparedness planning to inform planned patient movement, COVID-19 and influenza hospitalization and disease trends, ability of the system to absorb another surge, and supply needs across the state so patients have access to the appropriate level of health care. This continues the emergency rule filed as WSR 22-18-060 on August 31, 2022, and extended on December 29, 2022, as WSR 23-02-036.

Citation of Rules Affected by this Order: New WAC 246-320-700.

Statutory Authority for Adoption: RCW 70.41.030.

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 adoption of this rule as an emergency rule is necessary to allow for the continuation of critical public health reporting of timely and accurate data pertaining to hospitals' patient volumes, capacities, and resource constraints as continued surges of COVID-19 and influenza strain Washington's health care system. This will ensure health system readiness, promote safe and adequate care of individuals in hospitals, and mitigate the impact of these and other emerging public health threats and associated surges. The department intends to initiate a rule-making project in summer of 2023 to work with interested parties on consideration of adopting this requirement as a permanent rule.

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

Date Adopted: April 28, 2023.

Kristin Peterson, JD  
Chief of Policy  
for Umair A. Shah, MD, MPH  
Secretary

OTS-3921.2

NEW SECTION

**WAC 246-320-700 Reporting of health system readiness data.** The purpose of this section is to outline each hospital's responsibility for reporting to the department data pertaining to the maintenance and operation of the hospital in support of health system readiness.

(1) For the purposes of this section:

"WA HEALTH User Guide" means the written instructions issued by the department for reporting to the department hospital maintenance and operation data pertaining to health system readiness.

(2) Hospitals must report data to the department in accordance with the WA HEALTH User Guide, including any amended versions thereof issued by the department. Copies of the WA HEALTH User Guide may be obtained on the department's website or by contacting the department.

(3) Any person who receives data reported under this section must maintain confidentiality of the data as required by applicable law.

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**WSR 23-10-049**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 23-63—Filed April 28, 2023, 10:17 a.m., effective May 4, 2023]

Effective Date of Rule: May 4, 2023.

Purpose: The purpose of this emergency rule is to open recreational razor clam seasons.

Citation of Rules Affected by this Order: Repealing WAC 220-330-16000B and 220-330-01000Z; and amending WAC 220-330-160 and 220-330-010.

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

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

Reasons for this Finding: Survey results show that adequate clams are available for harvest in Razor Clam Areas 1, 3, 4, and 5 for recreational harvest. An exceptionally large population of harvestable razor clams in Razor Clam Areas 1, 3, 4, and 5 allow for a temporary increase in the daily bag limit. Washington department of health has certified clams from these razor clam areas 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 Nongovernmental 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 28, 2023.

Amy H. Windrope  
for Kelly Susewind  
Director

NEW SECTION

**WAC 220-330-16000B 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. May 4 through 11:59 a.m. May 10, 2023, razor clam digging is permissible in Razor Clam Areas defined in WAC 220-330-160 during morning tides on dates and times listed below:

Razor Clam Area	Date	Time
Area 1	May 4 through May 10	From 12:01 a.m. to 11:59 a.m.
Area 2	Closed	Closed
Area 3	May 4 through May 10	From 12:01 a.m. to 11:59 a.m.
Area 4	May 4, 6, 8, 10	From 12:01 a.m. to 11:59 a.m.
Area 5	May 5, 7, 9	From 12:01 a.m. to 11:59 a.m.
Area 6	Closed	Closed
Area 7	Closed	Closed

(2) Effective 4:01 a.m. May 11 through 3:59 p.m. May 14, 2023, razor clam digging is permissible in Razor Clam Areas defined in WAC 220-330-160 during morning tides on dates and times listed below:

Razor Clam Area	Date	Time
Area 1	May 11 through May 14	From 4:01 a.m. to 3:59 p.m.
Area 2	Closed	Closed
Area 3	May 11 through May 14	From 4:01 a.m. to 3:59 p.m.
Area 4	May 12, 14	From 4:01 a.m. to 3:59 p.m.
Area 5	May 11, 13	From 4:01 a.m. to 3:59 p.m.
Area 6	Closed	Closed

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

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#### NEW SECTION

**WAC 220-330-01000Z Shellfish—Daily limits, size restrictions, and unlawful acts.** Notwithstanding the provisions of WAC 220-330-010 regarding Razor clam daily limits, effective 12:01 a.m. May 4, 2023 through 3:59 p.m. May 14, 2023, the daily limit is 20 razor clams for personal use in any one day from Razor Clam Area 1, Razor Clam Area 3, Razor Clam Area 4 and Razor Clam Area 5. All other provisions of WAC 220-330-010 not addressed herein remain in effect unless otherwise amended by emergency rule.

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#### REPEALER

The following sections of the Washington Administrative Code are repealed effective 12:01 a.m. May 15, 2023:

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

WAC 220-330-01000Z Shellfish—Daily limits, size restrictions, and unlawful acts.

**WSR 23-10-053**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 23-62—Filed April 28, 2023, 3:03 p.m., effective May 1, 2023]

Effective Date of Rule: May 1, 2023.

Purpose: This emergency rule:

WAC 220-340-52000F:

(1) Clarifies the pot limit for shrimp pot fisheries is specific to each gear type and allows a separate maximum 100 pot limit for spot shrimp pots and nonspot shrimp pots, respectively.

(2) Permits shrimp pot barging for 48 hours following the May 1 season opening.

(3) Opens spot shrimp quota areas, defines the first spot shrimp catch accounting period as being from May 1 to August 1, 2023, and allows 5,000 pounds of spot shrimp to be harvested per license for the first catch accounting period.

(4) Defines the nonspot species complex.

(5) Opens nonspot shrimp quota areas, defines the nonspot shrimp catch accounting periods; sets per license catch limit of 1,500 lbs for catch period one and 1,200 pounds for each subsequent catch period; in subregions 1A, 1B, and 1C and Region 2E, clarifies there is no weekly harvest limit in Regions 3 or 2W; and sets a 175 foot depth limit in subregion 1A and subarea 23A East.

(6) Modifies harvest restrictions for spot and nonspot shrimp fisheries.

WAC 220-320-14000A:

Defines beam trawl areas for the purpose of designating fishing seasons.

WAC 220-340-54000F:

(1) Opens Region 3 shrimp trawl fisheries on May 1, 2023.

(2) Opens Region 1 trawl fisheries as required by permanent rule.

Citation of Rules Affected by this Order: Amending WAC 220-320-140, 220-340-520, and 220-340-540.

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: Permanent rules regulating state commercial shrimp harvest in Puget Sound and the Strait of Juan de Fuca require adoption of harvest seasons contained in this emergency rule. This emergency rule is necessary to prosecute state commercial shrimp pot and trawl fisheries in Puget Sound. This rule allows harvesters to respond to dynamic changes in market conditions and promotes full utilization of both the commercial spot and nonspot shares. These rules are in congruence with comanager agreements. 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 Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 3, Amended 0, Repealed 0.

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

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

Date Adopted: April 28, 2023.

Amy H. Windrope  
for Kelly Susewind  
Director

#### NEW SECTION

##### **WAC 220-340-52000F Commercial shrimp pot fishery—Puget Sound.**

Notwithstanding the provisions of WAC 220-340-520, immediately, until further notice, or until they expire pursuant to RCW 34.05.350, it is unlawful to fish for shrimp for commercial purposes using pot gear in Puget Sound except as provided for in this section:

(1) In all areas fishers are limited to a maximum of 100 spot shrimp pots, as defined in WAC 220-340-520 (5)d, and a maximum of 100 non-spot shrimp pots, as defined in WAC 220-340-520 (5)e.

(2) It is unlawful for a vessel not designated on a Puget Sound Shrimp Pot License to deploy shrimp gear except under the following conditions:

i. The vessel deploys pot gear only during the 48-hour period immediately following the May 1, 2023, opening;

ii. The primary or alternate operator designated on the license associated with the barged gear is on board the nondesignated vessel ("barge" vessel) while the gear is being deployed; and

iii. The Puget Sound Shrimp Pot License holder who owns the gear intended for barging has provided notice to the department via email at [shrimp.report@dfw.wa.gov](mailto:shrimp.report@dfw.wa.gov) at least 24 hours in advance of the fishery opening date. Notice must include the following information:

(i) Name and license number(s) of the owner of the gear being barged;

(ii) Name of the designated primary operator, if different from the licensed owner;

(iii) Name of the alternate operator, if used to deploy pots from a nondesignated vessel;

(iv) Number of pots to be deployed from a nondesignated vessel;

(v) Name and identification numbers (WN and/or Coast Guard) of the nondesignated vessel;

(vi) Puget Sound Shrimp Management Region and MFSE Catch Area(s) gear will be deployed in.

(3) Spot Shrimp Pot Harvest:

(a) Spot shrimp harvest is permitted as indicated in the following table opening one hour before official rise until further notice. Any closures take effect one hour after official sunset.

<b>Geographical Management Unit (WAC 220-320-140; WAC 220-320-120)</b>	<b>Open Date</b>
Subregion 1A	May 8, 2023
Subregion 1B	Closed
Subregion 1C	May 8, 2023
Region 2E	Closed
Region 2W	Closed
Subarea 23A-E	May 8, 2023
Subarea 23A-W	May 8, 2023
Subarea 23A-C and MSFS Catch Area 23B	May 8, 2023
Subarea 23A-S and MSFS Catch Area 23D	May 8, 2023
MFSF Catch Area 23C	May 8, 2023
MFSF Catch Area 25A, excluding the Discovery Bay Shrimp District	May 8, 2023
Discovery Bay Shrimp District	Closed
MFSF 29 (Straits - Neah Bay)	May 8, 2023
Subarea 26B-1 and MFSF Catch Area 26C	Closed
Subarea 26B-2	Closed
Region 5	Closed
MFSF Catch Area 26D	Closed
MFSF Catch Areas 28A, 28B, 28C, and 28D	Closed

(b) The first spot shrimp catch accounting period started one hour before official sunrise on May 8, 2023, through one hour after official sunset on August 1, 2023.

(c) It is unlawful for the total harvest during the first spot shrimp accounting period to have exceeded 5,000 pounds of spot shrimp per license from all Puget Sound shrimp management regions combined.

(d) It is unlawful to harvest spot shrimp from more than one Geographical Management Unit listed in 2(a) in a single day with the following exceptions:

i. Spot shrimp may be harvested from subregion 1A and subregion 1C on the same day.

ii. Spot shrimp may be harvested from subarea 23A-E, and either 23A-W, 23A-C or MFSF Catch Area 23B on the same day.

(e) It is lawful to have deactivated non-spot shrimp pots on-board of a commercial vessel that is listed on a Puget Sound shrimp pot license while fishing for spot shrimp.

A deactivated pot is un-baited, has the draw string or door fastened open, and/or is unable to be readily fished.

(4) Non-spot shrimp pot harvests:

(a) The non-spot shrimp species complex is defined as the following species of pandalid shrimp classified in WAC 220-320-010: Dock shrimp (*Pandalus danae*), Coonstripe shrimp (*Pandalus hypsinotus*), Humpty shrimp (*Pandalus goniurus*), Ocean pink shrimp (*Pandalis jordani*), pink shrimp (*Pandalus eous*), Side stripe shrimp (*Pandalus dispar*).

(b) Non-spot shrimp pot harvest is permitted as indicated in the following table opening one hour before official rise until further notice. Any closures take effect one hour after official sunset.

<b>Geographical Management Unit (WAC 220-320-140; WAC 220-320-120)</b>	<b>Open Date</b>
Subregion 1A	May 1, 2023
Subregion 1B	May 1, 2023
Subregion 1C	May 1, 2023
Region 2E	May 1, 2023

Geographical Management Unit (WAC 220-320-140; WAC 220-320-120)	Open Date
Region 2W	May 1, 2023
Region 3, not including Discovery Bay Shrimp District	May 1, 2023
Discovery Bay Shrimp District	May 1, 2023
Region 4	Closed
Region 5	Closed
Region 6	Closed

(c) The non-spot shrimp catch accounting periods begin one hour before official sunrise and end one hour after official sunset on the date listed in the following table:

Period Number	Start Date	End Date
1	5/1/2023	5/16/2023
2	5/17/2023	5/30/2023
3	5/31/2023	6/13/2023
4	6/14/2023	6/27/2023
5	6/28/2023	7/11/2023
6	7/12/2023	7/25/2023
7	7/26/2023	8/8/2023
8	8/9/2023	8/22/2023
9	8/23/2023	9/5/2023
10	9/6/2023	9/19/2023
11	9/20/2023	10/3/2023
12	10/4/2023	10/15/2023

(d) It is unlawful for the total harvest of non-spot shrimp per license to exceed 1,500 pounds during non-spot shrimp catch accounting period number 1 from subregions 1A, 1B, 1C, and Region 2E combined.

(e) It is unlawful for total harvest of non-spot shrimp to exceed 1,200 pounds per non-spot shrimp catch accounting period from subregions 1A, 1B, 1C, and Region 2E combined during catch accounting periods 2 through 12.

(f) There is no weekly harvest limit of non-spot shrimp from Region 2W, Region 3, or the Discovery Bay Shrimp District.

(g) Harvest of non-spot shrimp is not permitted deeper than 175 feet in Catch Area 23A and all of its subareas (23AE, 23AW, 23AC, 23AS).

(h) Harvest of non-spot shrimp is not permitted deeper than 175 feet in subregion 1A.

(i) It is unlawful to harvest non-spot shrimp in more than one geographical management unit listed in subsection 3(a) in a single day with the following exceptions:

i. Non-spot shrimp may be harvested from more than one subregion of Region 1 on the same day.

ii. Non-spot shrimp may be harvested from Discovery Bay Shrimp District and Region 3 on the same day.

(j) It is lawful to have deactivated spot shrimp pots on-board of a commercial vessel that is listed on a Puget Sound shrimp pot license while fishing for non-spot shrimp.

A deactivated pot is un-baited, has the draw string or door fastened open, and/or is unable to be readily fished.

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**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.

NEW SECTION

**WAC 220-320-14000A Commercial shrimp geographical management units—Puget Sound.** Notwithstanding the provisions of WAC 220-320-140, for the purposes of Puget Sound shrimp trawl fishing seasons the following areas are designated as 'Beam Trawl Areas'. Non-spot shrimp trawl harvest areas:

Non-spot shrimp beam trawl specific harvest area definitions:

Name	Geographic Area Description (WAC 220-320-140(3))
South Lopez Sound	Those waters of Lopez Sound within subregion 1B that are south of a line projected true east-west from the northern tip of Trump Island (48.5064°, -122.8369°).
Rosario Box	That portion of Catch Area 22A within subregion 1B that are east of a line projected along -122.7833° longitude (east of Blakely Island) and west of a line projected along -122.7167° longitude (west of Cypress Island) in Rosario Strait.
Lummi-Sinclair Triangle	Those waters of Catch Area 21A north and west of a line from the southern tip of Sinclair Island (48.6097°, -122.6572°) to Carter Point (48.6404°, -122.6088°) on Lummi Island.

[ ]

NEW SECTION

**WAC 220-340-54000F Commercial shrimp trawl fishery—Puget Sound.** Notwithstanding the provisions of WAC 220-340-540, immediately, until further notice, or until they expire pursuant to RCW 34.05.350, it is unlawful to fish for shrimp for commercial purposes using beam trawl gear in Puget Sound except as provided for in Tables a, b, and c of this section:

(a) Non-spot shrimp beam trawl harvest is permitted starting one hour before official sunrise on the hard season opening dates listed for each of the areas detailed below.

Geographic Area Description ((WAC 220-320-140(3); WAC 220-320-120)	Open period
Catch Area 20A outside of those waters north and east of a line from Point Roberts Light (48.9716°, -123.0838°) to Sandy Point Light at the Lummi Reservation (48.7868°, -122.7124°)	August 1, 2023
Those waters within the Lummi-Sinclair Triangle.	July 1, 2023
Those waters of South Lopez Sound.	July 10, 2023
All waters within subregion 1B, excluding those waters of South Lopez Sound and the Lummi-Sinclair Triangle.	June 16, 2023
Subarea 23A East, MFSF Catch Areas 23B, and MFSF Catch Area 25A outside of the Discovery Bay Shrimp District.	May 1, 2023
Subarea 23A West	May 1, 2023
MFSF Catch Area 23C	May 1, 2023

<b>Geographic Area Description ((WAC 220-320-140(3); WAC 220-320-120)</b>	<b>Open period</b>
MFSF Catch Area 29	May 1, 2023

(b) Non-spot shrimp beam trawl harvest is permitted starting one hour before official sunrise in the areas detailed below contingent on the harvester coordinating an on-board observing trip of the area. If by-catch sampling criteria are not met these areas will open on the later dates described in WAC 220-340-530 (5d, e).

<b>Geographic Area Description ((WAC 220-320-140(3); WAC 220-320-120)</b>	<b>Open period</b>
Those waters within the Rosario Box.	May 1, 2023
Those waters of Catch Area 22A within subregion 1B, excluding the Rosario Box and South Lopez Sound.	May 16, 2023
Those waters of Catch Area 20B within subregion 1B.	May 16, 2023

(c) Non-spot shrimp beam trawl harvest is not permitted in the areas of Shrimp Management Regions 1 and 3 detailed below.

<b>Geographic Area Description (WAC 220-320-140(3); WAC 220-320-120)</b>
Discovery Bay Shrimp District
Sequim Bay CSMA
MFSF Catch Area 23D
Subregion 1A

[ ]

**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 23-10-078**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 23-64—Filed May 2, 2023, 4:02 p.m., effective May 5, 2023]

Effective Date of Rule: May 5, 2023.

Purpose: The purpose of this emergency rule is to open recreational salmon seasons in the Yakima River.

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

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

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

Reasons for this Finding: A total of 5,550 adult spring Chinook are forecasted to return to the Yakima River, including 1,990 hatchery origin adults from the Cle Elum Hatchery. The return as forecasted is sufficient to allow a sport fishery in the Yakima River below the Roza Diversion.

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 Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: May 2, 2023.

Amy H. Windrope  
for Kelly Susewind  
Director

NEW SECTION

**WAC 220-312-05000A Freshwater exceptions to statewide rules—Eastside.** Effective May 5, through June 30, 2023, the following provisions of WAC 220-312-050 regarding salmon seasons in the Yakima River shall be as described below. All other provisions of WAC 220-312-050 not addressed herein, or otherwise amended by emergency rule, remain in effect:

**Yakima River (Benton County):**

**(1) From the Hwy. 240 bridge in Richland (river mile 2.1) upstream to the State Route 241 (Sunnyside - Mabton) Bridge (RM 59.8):**

Salmon:

- (a) Open May 5 through June 15, 2023:
- (b) Daily limit 2 hatchery Chinook. Release all other salmon.
- (c) Barbless hooks required. Hook gap from point to shank must measure 3/4 of an inch or less.
- (d) Use of bait is allowed.
- (e) Anglers may fish with two poles when fishing for salmon with the Two-Pole Endorsement.
- (f) Night Closure in effect.

**(2) From the I-82 bridge at Union Gap (RM 107.1) to the eastbound (upstream) I-82 Bridge at Selah Gap: Salmon:**

- (a) Open May 16 through June 30, 2023
- (b) Daily limit 2 hatchery Chinook. Release all other salmon.
- (c) Barbless hooks required. Hook gap from point to shank must measure 3/4 of an inch or less.
- (d) Use of bait is allowed.
- (e) Anglers may fish with two poles when fishing for salmon with the Two-Pole Endorsement.
- (f) Night Closure in effect.

**(3) From the eastbound (upstream) I-82 Bridge at Selah Gap to the BNSF railroad bridge approximately 600 feet downstream of Roza Dam (RM 127.8): Salmon:**

- (a) Open May 16 through June 30, 2023
- (b) Daily limit 2 hatchery Chinook. Release all other salmon.
- (c) Barbless hooks required. Hook gap from point to shank must measure 3/4 of an inch or less.
- (d) Use of bait is allowed.
- (e) Anglers may fish with two poles when fishing for salmon with the Two-Pole Endorsement.
- (f) Night Closure in effect.
- (g) Fishing from a vessel equipped with an internal combustion engine is prohibited.

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**WSR 23-10-079**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 23-65—Filed May 2, 2023, 4:03 p.m., effective May 27, 2023]

Effective Date of Rule: May 27, 2023.

Purpose: The purpose of this emergency rule is to open hatchery Chinook seasons in portions of Willapa River.

Citation of Rules Affected by this Order: Amending WAC 220-312-020.

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

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

Reasons for this Finding: This rule is needed to open hatchery Chinook retention in the lower Willapa River.

A one-time release of over half a million Chinook from Fork's Creek Hatchery occurred in 2019 to increase prey abundance for southern resident killer whales. The Washington department of fish and wildlife anticipates a small number of returning five-year-old Chinook from this release will be available for a targeted fishery. Fishery managers encourage anglers to harvest hatchery-origin Chinook that are encountered during this limited time opportunity. There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: May 2, 2023.

Amy H. Windrope  
for Kelly Susewind  
Director

NEW SECTION

**WAC 220-312-02000B Freshwater exceptions to statewide rules—Coast.** Effective May 27, through July 31, 2023, the following provisions of WAC 220-312-020, regarding recreational Chinook retention for the Willapa River (Pacific Co.) shall be modified as described below.



All other provisions of WAC 220-312-020 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

**(1) From the mouth (City of South Bend boat launch to WDFW access at mouth of Ward Creek/Wilson Creek:**

Salmon:

(a) Daily limit 1. Release all salmon other than hatchery Chinook.

(b) Night closure.

(c) Anglers may fish with two poles with Two-pole Endorsement.

**(2) From the WDFW access at mouth of Ward Creek/Wilson Creek to second bridge on Camp One Rd.:**

Salmon:

(a) Daily limit 1. Release all salmon other than hatchery Chinook.

(b) Night closure.

(c) Stationary gear restriction in effect.

**(3) From second bridge on Camp One Rd. upstream to mouth of Mill Creek, approx. 0.5 miles:**

Salmon:

(a) Daily limit 1. Release all salmon other than hatchery Chinook.

(b) Night closure.

(c) Stationary gear rule in effect.

(d) Fishing from a floating device prohibited.

**(4) From Mill Creek to Hwy. 6 Bridge (near the town of Lebam):**

Salmon:

(a) Daily limit 1. Release all salmon other than hatchery Chinook.

(b) Night closure.

(c) Stationary gear rule in effect.

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**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.