

WSR 14-16-012
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 14-183—Filed July 24, 2014, 2:44 p.m., effective July 28, 2014, 6:00 a.m.]

Effective Date of Rule: July 28, 2014, 6:00 a.m.

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

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100I; and amending WAC 220-32-051.

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

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

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

Reasons for this Finding: Sets the final week for the treaty commercial gillnet summer season. Continues to allow the sale of platform and hook and line caught fish from mainstem tribal fisheries in Zone 6. Sales of fish landed in the area downstream of Bonneville Dam (consistent with tribal MOU/MOAs) may also occur if the area is lawfully open for sales under tribal regulations. Similarly, the sale of fish caught in Yakama Nation tributary fisheries are allowed when open under Yakama Nation regulations. Over twenty-two thousand adult summer chinook are available to the treaty tribes for harvest based on the in-season forecast of seventy-eight thousand fish. Over forty-three thousand sockeye are available to the treaty tribes for harvest based on the in-season forecast of six hundred fifteen thousand sockeye to the Columbia River. Harvestable fish remain available based on these guidelines. The quick reporting rule continues to be modified to require quick reporting within twenty-four hours of completing the fish ticket. The intent is that all landings are quick reported within twenty-four hours of completion. Because treaty fisheries are two to four day periods, or are continuous for the season, the modification will allow harvest to be tracked as the season progresses. Fisheries are consistent with the 2008-2017 management agreement and the associated biological opinion. Rule is consistent with action of the Columbia River compact on May 5, June 3, and July 23, 2014. Conforms state rules with tribal rules. There is insufficient time to adopt permanent rules.

The Yakama, Warm Springs, Umatilla, and Nez Perce Indian tribes have treaty fishing rights in the Columbia River and inherent sovereign authority to regulate their fisheries. Washington and Oregon also have some authority to regulate fishing by treaty Indians in the Columbia River, authority that the states exercise jointly under the Congressionally ratified Columbia River compact. *Sohappy v. Smith*, 302 F. Supp. 899 (D. Or. 1969). The tribes and the states adopt parallel rules for treaty Indian fisheries under the supervision of the federal courts. A court order sets the current parameters. *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2008-2017 *United States v. Oregon* Management Agreement (Aug. 12, 2008) (Doc. No. 2546). Some salmon and steelhead stocks in the Columbia River are listed as threatened or endangered under the federal ESA. On May 5, 2008, the National Marine Fisheries Service issued a biological opinion under 16 U.S.C. § 1536 that allow[s] for some incidental take of these species in the fisheries as described in the 2008-2017 *U.S. v. Oregon* Management Agreement. Columbia River fisheries are monitored very closely to ensure consistency with court orders and ESA guidelines. Because conditions change rapidly, the fisheries are managed almost exclusively by emergency rule. As required by court order, the Washington (WDFW) and Oregon (ODFW) departments of fish and wildlife convene public hearings and invite tribal participation when considering proposals for new emergency rules affecting treaty fishing rights. *Sohappy*, 302 F. Supp. at 912. WDFW and ODFW then adopt regulations reflecting agreements reached.

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

Number of Sections Adopted at 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: July 24, 2014.

Joe Stohr
for Philip Anderson
Director

NEW SECTION

WAC 220-32-05100J Columbia River salmon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052 and WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon, steelhead, sturgeon, shad, carp, catfish, walleye, bass, or yellow perch taken for commercial purposes in Columbia River Salmon Management and Catch Reporting

Areas 1F, 1G, and 1H, and in the Wind River, Klickitat River, and Drano Lake and specific areas of SMCRA 1E. However, those individuals possessing treaty fishing rights under the Yakama, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, steelhead, sturgeon, shad, carp, catfish, walleye, bass, or yellow perch under the following provisions:

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

(a) Season: 6:00 a.m. July 28 to 6:00 p.m. July 31, 2014.

(b) Gear: Gillnets only; no mesh restriction.

(c) Allowable Sales: Salmon, steelhead, shad, carp, catfish, walleye, bass, or yellow perch. Sturgeon between 38-54 inches in fork length in the Bonneville Pool and sturgeon between 43-54 inches in fork length in The Dalles and John Day pools may be retained for subsistence purposes only. Sales of fish are allowed after open period concludes, as long as the fish sold were landed during the open period.

(d) All sanctuaries for this gear type are in effect, except Spring Creek.

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

(a) Season: Open immediately until further notice.

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

(c) Allowable Sales: Salmon, steelhead, shad, carp, catfish, walleye, bass, or yellow perch. Sturgeon between 38-54 inches in fork length in the Bonneville Pool and sturgeon between 43-54 inches in fork length in The Dalles and John Day pools may be retained for subsistence purposes only.

(d) All dam sanctuaries for these gear types are in effect.

(3) Open Area: SMCRA 1E. Each of the four Columbia River treaty tribes has an MOA or MOU with the Washington Department of Fish and Wildlife for tribal fisheries in the area just downstream of Bonneville Dam. Tribal fisheries in this area may only occur in accordance with the appropriate MOA or MOU specific to each tribe, and only within any specific regulations set by each tribe.

(a) Participants:

(i) Tribal members may participate under the conditions described in the 2007 Memorandum of Agreement (MOA) with the Yakama Nation (YN), in the 2010 Memorandum of Understanding (MOU) with the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), in the 2010 MOU with the Confederated Tribes of the Warm Spring Reservation (CTWS), and in the 2011 MOU with the Nez Perce Tribe.

(ii) Tribal members fishing below Bonneville Dam must carry an official tribal enrollment card.

(b) Season: Open immediately until further notice. Open only during those days and hours when open under lawfully enacted tribal subsistence fishery regulations for enrolled tribal members.

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

(d) Allowable Sales: Salmon, steelhead, shad, carp, catfish, walleye, bass, or yellow perch. Sturgeon retention is prohibited for any purpose. Sale of platform or hook-and-line-caught fish is allowed. Sales may not occur on USACE property.

(4) Columbia River Tributaries upstream of Bonneville Dam:

(a) Season: Open immediately until further notice, and only during those days and hours when the tributaries listed in subsection (4) (b) of this section are open under lawfully enacted Yakama Nation tribal subsistence fishery regulations for enrolled Yakama Nation members.

(b) Area: Drano Lake, Wind River and Klickitat River.

(c) Gear: Hoop nets, dip bag nets, and rod and reel with hook-and-line only, except gill nets may be used in Drano Lake.

(d) Allowable Sales: Salmon, steelhead, shad, carp, catfish, walleye, bass, or yellow perch. Sturgeon between 43-54 inches fork length harvested in tributaries within The Dalles or John Day Pools and sturgeon between 38-54 inches fork length harvested in tributaries within Bonneville pool may not be sold but may be kept for subsistence purposes only.

(5) 24-hour quick reporting is required as provided in WAC 220-69-240, for Washington wholesale dealers for all areas, except that all landings from treaty fisheries described above must be reported within 24-hours of completing the fish ticket (not 24-hours after the period concludes).

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 a.m. July 28, 2014:

WAC 220-32-05100I Columbia River salmon seasons above Bonneville Dam. (14-176)

WSR 14-16-013

RECISSION OF EMERGENCY RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed July 24, 2014, 2:44 p.m.]

On Tuesday, July 22, 2014, the state superintendent of public instruction filed an emergency rule, WSR 14-15-132, effective immediately.

I am writing to request you immediately rescind the emergency rule action in that matter due to a filing error. Our intent is to have the rule effective on September 1, 2014, instead of immediately as filed in WSR 14-15-132.

An emergency rule will be refiled to take action on the correct effective date.

Randy Dorn
State Superintendent
of Public Instruction

WSR 14-16-014
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 14-184—Filed July 24, 2014, 2:46 p.m., effective July 28, 2014, 7:00 p.m.]

Effective Date of Rule: July 28, 2014, 7:00 p.m.

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

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000Y; and amending WAC 220-33-010.

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

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

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

Reasons for this Finding: Sets the final summer season non-Indian mainstem commercial salmon season. Based on the in-season forecast and management guidelines, nearly two thousand six hundred adult upper Columbia summer chinook have been allocated to mainstem commercial non-Indian fisheries. Around two hundred fifty chinook remain available for commercial harvest. The fishery is consistent with the *U.S. v. Oregon* Management Agreement and the associated biological opinion. Conforms Washington state rules with Oregon state rules. These rules are consistent with compact action as of July 23, 2014. There is insufficient time to promulgate permanent rules.

Washington and Oregon jointly regulate Columbia River fisheries under the congressionally ratified Columbia River compact. Four Indian tribes have treaty fishing rights in the Columbia River. The treaties preempt state regulations that fail to allow the tribes an opportunity to take a fair share of the available fish, and the states must manage other fisheries accordingly. *Sohappy v. Smith*, 302 F. Supp. 899 (D. Or. 1969). A federal court order sets the current parameters for sharing between treaty Indians and others. *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2008-2017 *United States v. Oregon* Management Agreement (Aug. 12, 2008) (Doc. No. 2546).

Some Columbia River Basin salmon and steelhead stocks are listed as threatened or endangered under the fed-

eral ESA. On May 5, 2008, the National Marine Fisheries Service issued a biological opinion under 16 U.S.C. § 1536 that allows for some incidental take of these species in treaty and nontreaty Columbia River fisheries governed by the 2008-2017 *U.S. v. Oregon* Management Agreement. The Washington and Oregon fish and wildlife commissions have developed policies to guide the implementation of such biological opinions in the states' regulation of nontreaty fisheries.

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

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

Number of Sections Adopted at 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: July 24, 2014.

Joe Stohr
for Philip Anderson
Director

NEW SECTION

WAC 220-33-01000Y Columbia River seasons below Bonneville. Notwithstanding the provisions of WAC 220-33-010, WAC 220-33-020, and WAC 220-33-030, it is unlawful to take or possess salmon, sturgeon, and shad for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, 1E and Select Areas, except during the times and conditions listed below:

Mainstem Columbia River

(1) **Season:** 7:00 p.m. July 28 to 7:00 a.m. July 29, 2014

(2) **Open area:** SMCRA 1A, 1B, 1C, 1D, and 1E (Zones 1 through 5).

(3) **Gear:** Drift gillnets only. 8-inch minimum mesh size. Nets not specifically authorized for use in these areas may be onboard a vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(4) **Allowable Possession and Sales:** Chinook, sockeye and shad.

(5) **Sanctuaries:** Cowlitz River, Kalama-A, Lewis-A, Washougal, and Sandy rivers.

(6) **Miscellaneous:** 24-hour quick reporting is required for Washington wholesale dealers, as provided in WAC 220-69-240.

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:01 a.m. July 29, 2014:

WAC 220-33-01000Y Columbia River seasons below Bonneville.

WSR 14-16-016
EMERGENCY RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed July 24, 2014, 4:00 p.m., effective September 1, 2014]

Effective Date of Rule: September 1, 2014.

Purpose: A grammatical change is needed as well as adding the requirement that school districts need to review the driving record of their school bus drivers annually to ensure they are in compliance with chapter 392-144 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 392-144-160.

Statutory Authority for Adoption: Chapter 28A.210 RCW.

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

Reasons for this Finding: Before the 2014-15 school year starts, it's important for school districts to review the driving records of their school bus drivers to make sure they are properly licensed, and their driving records do not show any disqualifying citations.

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

Date Adopted: July 24, 2014.

Randy Dorn
State Superintendent
of Public Instruction

AMENDATORY SECTION (Amending WSR 14-09-031, filed 4/9/14, effective 9/1/14)

WAC 392-144-160 School district—Verification of driver's continuing compliance. (1) Every school district shall annually evaluate each authorized school bus driver for continuing compliance with the provisions of this chapter (~~(annually)~~). The results of this evaluation of all drivers shall be submitted to the superintendent or their designee no later than the last business day in October of each year.

(2) This annual evaluation shall certify that the district has verified the following:

(a) That each authorized school bus driver's medical examination certificate expiration date, first-aid expiration date, driver's license expiration date and most recent school bus driver in-service training date has been updated in compliance with procedures established by the superintendent;

(b) That each authorized school bus driver's abstract of driving record provided by the department of licensing has been reviewed and is in compliance with WAC 392-144-103:

(c) That each authorized school bus driver has made an updated disclosure in writing and signed and sworn under penalty of perjury which updates the disclosure required in WAC 392-144-102(4); and

~~((e))~~ (d) That each authorized school bus driver remains in compliance with the physical requirements of WAC 392-144-102(5).

WSR 14-16-017
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Financial Services Administration)

[Filed July 24, 2014, 4:19 p.m., effective July 24, 2014, 4:19 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The background check central unit is amending three sections of chapter 388-06 WAC related to what crimes and pending charges may be considered disqualifying by children's administration when licensing or approving an individual to have unsupervised access to children. This rule making is being filed on behalf of children's administration to comply with section 4, chapter 88, Laws of 2014 (SSB 6095).

Citation of Existing Rules Affected by this Order: Amending WAC 388-06-0170, 388-06-0180, and 388-06-0200.

Statutory Authority for Adoption: Chapter 88, Laws of 2014; RCW 43.43.832.

Other Authority: P.L. 105-89; RCW 74.15.030.

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: Emergency revisions are necessary to implement chapter 88, Laws of 2014 (SSB 6095) which limits the background information that children's administration may consider disqualifying.

This filing replaces and supersedes CR-103E filed as WSR 14-13-063 on June 12, 2014.

The initial public notice (CR-101) for permanent rule making was filed as WSR 14-13-065 on June 12, 2014.

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 3, Repealed 0.

Number of Sections Adopted at 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 3, Repealed 0.

Date Adopted: July 22, 2014

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 01-18-025, filed 8/27/01, effective 10/1/01)

WAC 388-06-0170 Will a criminal conviction permanently prohibit me from being licensed, contracted, or authorized to have unsupervised access to children or to individuals with developmental disability? (1) There are convictions for certain crimes that will permanently prohibit you from being licensed, contracted, certified or authorized to have unsupervised access to children or to individuals with developmental disability. Those felony convictions are as follows:

- (a) Child abuse and/or neglect;
 - (b) Spousal abuse;
 - (c) A crime against a child (including child pornography);
 - (d) A crime involving violence (including rape, sexual assault, or homicide but not including other physical assault or battery); or
 - (e) Any federal or out-of-state conviction for an offense that under the laws of this state would disqualify you from having unsupervised access to children or individuals with developmental disabilities in any home or facility.
- (2) If you are convicted of one of the crimes listed in WAC 388-06-0170 (1)(a) through (e) you will not be able to:
- (a) Receive a license to provide care to children;
 - (b) Be approved for adoption of a child;
 - (c) Be a contractor;

(d) Be employed by a licensed agency or contractor, if you will have unsupervised access to children or to individuals with a developmental disability;

(e) Volunteer or participate as an intern in a home or facility that offers care to children or to individuals with a developmental disability; or

(f) Provide any type of care to children or to individuals with a developmental disability, if the care is funded by the state.

AMENDATORY SECTION (Amending WSR 10-16-083, filed 7/30/10, effective 8/30/10)

WAC 388-06-0180 Are there other criminal convictions that will prohibit me from being licensed, contracted, or authorized to have unsupervised access to children or from working with children or individuals with a developmental disability? The department must disqualify you from licensing, contracting, certification, or from having unsupervised access to children or to individuals with a developmental disability if it has been less than five years from a conviction for the following crimes:

(1) Any felony physical assault or battery offense not included in WAC 388-06-0170;

(2) ~~((Any sex offense not included in WAC 388-06-0170;~~

~~(3) Any felony conviction not included in WAC 388-06-0170; or~~

(4)) Felony violation of the following drug-related crimes:

(a) The Imitation Controlled Substances Act (for substances that are falsely represented as controlled substances (see chapter 69.52 RCW));

(b) The Legend Drug Act (prescription drugs, see chapter 69.41 RCW);

(c) The Precursor Drug Act (substances used in making controlled substances, see chapter 69.43 RCW);

(d) The Uniform Controlled Substances Act (illegal drugs or substances, see chapter 69.50 RCW); or

(e) Unlawfully manufacturing, delivering or possessing a controlled substance with intent to deliver, or unlawfully using a building for drug purposes.

(5) Any federal or out-of-state conviction for an offense that under the laws of Washington state would disqualify you for no less than five years from having unsupervised access to children or individuals with a developmental disability.

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.

AMENDATORY SECTION (Amending WSR 01-18-025, filed 8/27/01, effective 10/1/01)

WAC 388-06-0200 Will I be disqualified if there are pending criminal charges on my background check? (1) The department will not license, contract, certify, or authorize a person to have unsupervised access to children or individuals with a developmental disability who have a criminal charge pending for a disqualifying crime described in the adoption and safe families act of 1997, or a criminal charge

pending for a disqualifying crime that relates directly to child safety, permanence, or well-being.

(2) You may reapply for a license, contract, certification, or approval to have unsupervised access to children or to individuals with a developmental disability by providing proof to the department that the charge against you has been dropped or that you were acquitted.

WSR 14-16-020
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 14-186—Filed July 25, 2014, 10:07 a.m., effective August 1, 2014]

Effective Date of Rule: August 1, 2014.

Purpose: Amend recreational fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-310-20000T; and amending WAC 220-310-200.

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

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

Reasons for this Finding: The department is in the process of adopting permanent rules necessary to implement the personal use fishing plans agreed to with resource comanagers at the North of Falcon proceedings. These emergency rules are necessary to comply with agreed to management plans, and are interim until permanent rules take effect.

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

Number of Sections Adopted at 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: July 25, 2014.

James B. Scott Jr.
for Philip Anderson
Director

NEW SECTION

WAC 220-310-20000T Columbia River—Freshwater exceptions to statewide rules. Notwithstanding the pro-

visions of WAC 220-310-200, effective August 1 through August 31, 2014, it is unlawful to violate the provisions below. Unless otherwise amended, all permanent rules remain in effect:

Columbia River

(1) From Buoy 10 upstream to the Washington/Oregon border, each angler aboard a vessel may deploy salmon/steelhead angling gear until the daily salmon/steelhead limit for all anglers aboard has been achieved.

(2) From the Warrior Rock line upstream to a line projected from the lower end of the Steamboat Landing dock on the Washington shore through navigation Light #50 to the Oregon shore:

(a) The salmon and steelhead daily limit is 6 fish of which no more than 2 may be adult salmon or hatchery steelhead or one of each.

(b) Release all salmon other than Chinook and hatchery coho.

(c) The Warrior Rock line is defined as a line projected from the Warrior Rock Lighthouse, through Red Buoy 4, to the orange marker atop the dolphin on the Washington shore.

(3) From the lower end of the Steamboat Landing dock on the Washington shore through navigation Light #50 to the Oregon shore upstream to the Highway 395 Bridge at Pasco:

(a) The salmon and steelhead daily limit is 6 fish. No more than 3 adults may be retained of which no more than 2 may be coho or hatchery steelhead, or one of each.

(b) Release wild coho from the Hood River Bridge downstream. Release all salmon other than Chinook and coho.

REPEALER

The following section of the Washington Administrative Code is repealed effective September 1, 2014:

WAC 220-310-20000T Freshwater exceptions to statewide rules—Columbia River.

WSR 14-16-021
EMERGENCY RULES
BUILDING CODE COUNCIL

[Filed July 25, 2014, 10:25 a.m., effective July 25, 2014, 10:25 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amending chapter 51-11R WAC, 2012 Washington State Energy Code (Residential), Section R403: Changing insulation requirements for hot water piping.

Citation of Existing Rules Affected by this Order: Amending WAC 51-11R-40340.

Statutory Authority for Adoption: RCW 19.27A.025, 19.27A.045.

Other Authority: RCW 19.27.074.

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 state building code council (council), based on the following good cause, finds that an emergency affecting the general welfare of the state of Washington exists. The council further finds that immediate amendment of a certain council rule is necessary for the public welfare and that observing the time requirements of notice and opportunity to comment would be contrary to the public interest.

The declaration of emergency affecting the general welfare of the state of Washington is based on the following findings:

The council determined that state amendments to three sections of the 2012 International Energy Conservation Code (Residential) regarding insulation of hot water piping within residential structures causes potential economic hardship on homeowners and builders. The economic and energy model used to establish the initial cost-benefit analysis and savings potential did not specifically look at the increases in insulation levels based on the assumptions that the levels were equivalent to those previously found in the 2009 Washington State Energy Code. However, there were exceptions provided in the previous code not found in the 2012 code. It was also determined that the availability of the required insulation from manufacturers and suppliers was limited.

In Section R403.4.2, Hot water piping insulation, it was determined not cost effective and could compromise the structural integrity of the building. The emergency rule replaces the require[d] R-4 insulation with R-3 insulation for hot water piping.

This is a continuation of the emergency rule filed under WSR 13-23-095 and 14-08-011. The council is currently in the process of adopting a permanent rule under WSR 14-15-053, with public hearings to be held in September and October.

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 Request of a Nongovernmental Entity: New 0, Amended 1, 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: June 13, 2014.

C. Ray Allshouse
Council Chair

AMENDATORY SECTION (Amending WSR 13-20-121, filed 10/1/13, effective 11/1/13)

WAC 51-11R-40340 Section R403.4—Service hot water systems.

R403.4 Service hot water systems. Energy conservation measures for service hot water systems shall be in accordance with Sections R403.4.1 through R403.4.3.

R403.4.1 Circulating hot water systems (Mandatory). Circulating hot water systems shall be provided with an automatic or *readily accessible* manual switch that can turn off the hot water circulating pump when the system is not in use.

R403.4.2 Hot water pipe insulation (Prescriptive). Insulation for hot water pipe shall have a minimum thermal resistance (*R*-value) of ~~((R-4))~~ R-3.

R403.4.3 Electric water heater insulation. All electric water heaters in unheated spaces or on concrete floors shall be placed on an incompressible, insulated surface with a minimum thermal resistance of R-10.

WSR 14-16-022
EMERGENCY RULES
BUILDING CODE COUNCIL

[Filed July 25, 2014, 10:28 a.m., effective July 25, 2014, 10:28 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amending chapter 51-50 WAC, 2012 International Building Code, Section 1203; and chapter 51-51 WAC, International Residential Code, Section R408: Include requirements for black, six mil polyethylene ground cover in crawlspaces. This requirement was previously located in the 2009 Washington State Energy Code but not in the reformat- ted 2012 Energy Code.

Citation of Existing Rules Affected by this Order: Amending WAC 51-50-1203 and 51-51-0408.

Statutory Authority for Adoption: RCW 19.27.031, 19.27.074.

Other Authority: Chapters 19.27 and 34.05 RCW.

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

Reasons for this Finding: The state building code council (council), based on the following good cause, finds that an emergency affecting the general welfare of the state of Washington exists. The council further finds that immediate amendment of a certain council rule is necessary for the public welfare and that observing the time requirements of notice and opportunity to comment would be contrary to the public interest.

The declaration of emergency affecting the general welfare of the state of Washington is based on the following findings:

Requirements for a Class 1 Vapor Retarder installed on the exposed earth in crawl spaces have been in every edition of the Washington State Energy Code since 1980. When transitioning from the 2009 Energy Code to the adoption and amendment of the 2012 International Energy Conservation Code, crawl space vapor retarder requirements were not incorporated because it was believed the requirement was

contained within the 2012 International Building Code and International Residential Code. However, these codes allow the elimination of the ground cover with a minimum ventilation rate of one square foot for every three hundred square feet of floor area.

The council believes the elimination of the crawl space vapor retarder will have an adverse effect on housing durability, indoor air quality and mold problems in new houses in Washington. Without the ground cover, stack effect can draw moisture vapor from the crawl space through the house to condense on the cool underside of roof sheathing. This causes mold and potential rot problems.

The council concluded that it is in the best interest of the general welfare of the state of Washington to reinstate the requirement for a six mil black polyethylene ground cover in crawl spaces to minimize stack effect and related moisture problems.

This is a continuation of the emergency rule filed under WSR 13-23-097 and 14-08-012. The council is currently in the process of adopting a permanent rule under WSR 14-15-051, with public hearings to be held in September and October.

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 Request of a Nongovernmental Entity: New 0, Amended 2, 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: June 13, 2014.

C. Ray Allshouse
Council Chair

AMENDATORY SECTION (Amending WSR 13-04-067, filed 2/1/13, effective 7/1/13)

WAC 51-50-1203 Section 1203—Ventilation.

1203.1 General. Buildings shall be provided with natural ventilation in accordance with Section 1203.4, or mechanical ventilation in accordance with the *International Mechanical Code*.

1203.2 Attic spaces. Enclosed *attics* and enclosed rafter spaces formed where ceilings are applied directly to the underside of roof framing members shall have cross ventilation for each separate space by ventilation openings protected against the entrance of rain and snow. Blocking and bridging shall be arranged so as not to interfere with the movement of air. An airspace of not less than 1 inch (25 mm) shall be provided between the insulation and the roof sheathing. The net

free ventilating area shall not be less than 1/150th of the area of the space ventilated.

- EXCEPTIONS:
1. The net free cross-ventilation area shall be permitted to be reduced to 1/300 provided not less than 50 percent and not more than 80 percent of the required ventilating area provided by ventilators located in the upper portion of the space to be ventilated at least 3 feet (914 mm) above eave or cornice vents with the balance of the required *ventilation* provided by eave or cornice vents.
 2. The net free cross-ventilation area shall be permitted to be reduced to 1/300 where a Class I or II vapor retarder is installed on the warm-in-winter side of the ceiling.
 3. *Attic* ventilation shall not be required when determined not necessary by the *building official* due to atmospheric or climatic conditions.
 4. Unvented attic assemblies (spaces between the ceiling joists of the top story and the roof rafters) shall be permitted if all the following conditions are met:
 - 4.1 The unvented attic space is completely contained within the building thermal envelope.
 - 4.2 No interior vapor retarders are installed on the ceiling side (attic floor) of the unvented attic assembly.
 - 4.3 Where wood shingles or shakes are used, a minimum 1/4 inch (6 mm) vented air space separates the shingles or shakes and the roofing underlayment above the structural sheathing.
 - 4.4 In Climate Zones 5B and 6B, any air-impermeable insulation shall be a Class II vapor retarder, or shall have a Class II vapor retarder coating or covering in direct contact with the underside of the insulation.
 - 4.5 Either items a, b, or c below shall be met, depending on the air permeability of the insulation directly under the structural roof sheathing.
 - a. Air-impermeable insulation only. Insulation shall be applied in direct contact to the underside of the structural roof sheathing.
 - b. Air-permeable insulation only. In addition to the air-permeable insulation installed directly below the structural sheathing, rigid board or sheet insulation shall be installed directly above the structural roof sheathing as specified in Table 1203.2.1 for condensation control.
 - c. Air-impermeable and air-permeable insulation. The air-impermeable insulation shall be applied in direct contact to the underside of the structural roof sheathing as specified in Table 1203.2.1 for condensation control. The air-permeable insulation shall be installed directly under the air-impermeable insulation.
 - i. Climate Zone #1 - R-10 minimum rigid board or air-impermeable insulation R-value.
 - ii. Climate Zone #2 - R-25 minimum rigid board or air-impermeable insulation R-value.
 - d. Where preformed insulation board is used as the air-impermeable insulation layer, it shall be sealed at the perimeter of each individual sheet interior surface to form a continuous layer.

**Table 1203.2.1
Insulation for Condensation Control**

CLIMATE ZONE	MINIMUM RIGID BOARD ON AIR-IMPERMEABLE INSULATION R-VALUE ^a
4C	R-15
5B	R-20

CLIMATE ZONE	MINIMUM RIGID BOARD ON AIR-IMPERMEABLE INSULATION R-VALUE ^a
6B	R-25

^a Contributes to but does not (~~supersede~~) supersede the requirements for insulation in the Washington State Energy Code ((WAC)) chapter 51-11 WAC).

1203.3 Under-floor ventilation. The space between the bottom of the floor joists and the earth under any building except spaces occupied by basements or cellars shall be provided with ventilation openings through foundation walls or exterior walls. Such openings shall be placed so as to provide cross ventilation of the under-floor space. A ground cover of six mil (0.006 inch thick) black polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped six inches minimum at the joints and shall extend to the foundation wall.

EXCEPTION: The ground cover may be omitted in crawl spaces if the crawl space has a concrete slab floor with a minimum thickness of two inches.

1203.4 Natural ventilation. For other than Group R Occupancies, natural ventilation of an occupied space shall be through windows, doors, louvers or other openings to the outdoors. The operating mechanism for such openings shall be provided with ready access so that the openings are readily controllable by the building occupants. Group R Occupancies shall comply with the *International Mechanical Code*.

1203.6 Radon resistive construction standards. The criteria of this section establishes minimum radon resistive construction requirements for Group R Occupancies.

1203.6.1 Application. The requirements of Section 1203.6 shall be adopted and enforced by all jurisdictions of the state according to the following subsections.

1203.6.1.1 All jurisdictions of the state shall comply with Section 1203.6.2.

1203.6.1.2 Clark, Ferry, Okanogan, Pend Oreille, Skamania, Spokane, and Stevens counties shall also comply with Section 1203.6.3.

1203.6.2 State wide radon requirements.

1203.6.2.1 Crawlspace. All crawlspaces shall comply with the requirements of this section.

1203.6.2.2 Ventilation. All crawlspaces shall be ventilated as specified in Section 1203.3.

If the installed ventilation in a crawlspace is less than one square foot for each 300 square feet of crawlspace area, or if the crawlspace vents are equipped with operable louvers, a radon vent shall be installed to originate from a point between the ground cover and soil. The radon vent shall be installed in accordance with Sections 1203.6.3.2.6 and 1203.6.3.2.7.

1203.6.2.3 Crawlspace plenum systems. In crawlspace plenum systems used for providing supply air for an HVAC system, aggregate, a permanently sealed soil gas retarder membrane and a radon vent pipe shall be installed in accordance

with Section 1203.6.3.2. Crawlspaces shall not be used for return air plenums.

In addition, an operable radon vent fan shall be installed and activated. The fan shall be located as specified in Section 1203.6.3.2.7. The fan shall be capable of providing at least 100 cfm at 1-inch water column static pressure. The fan shall be controlled by a readily accessible manual switch. The switch shall be labeled "RADON VENT FAN."

1203.6.3 Radon prescriptive requirements.

1203.6.3.1 Scope. This section applies to those counties specified in Section 1203.6.1.2. This section establishes prescriptive construction requirements for reducing the potential for radon entry into all Group R Occupancies, and for preparing the building for future mitigation if desired.

In all crawlspaces, except crawlspace plenums used for providing supply air for an HVAC system, a continuous air barrier shall be installed between the crawlspace area and the occupied area to limit air transport between the areas. If a wood sheet subfloor or other material is utilized as an air barrier, in addition to the requirements of Section 502.1.6.2 of the Washington State Energy Code, all joints between sheets shall be sealed.

1203.6.3.2 Floors in contact with the earth.

1203.6.3.2.1 General. Concrete slabs that are in direct contact with the building envelope shall comply with the requirements of this section.

EXCEPTION: Concrete slabs located under garages or other than Group R Occupancies need not comply with this chapter.

1203.6.3.2.2 Aggregate. A layer of aggregate of 4-inch minimum thickness shall be placed beneath concrete slabs. The aggregate shall be continuous to the extent practical.

1203.6.3.2.3 Gradation. Aggregate shall:

1. Comply with ASTM Standard C-33 Standard Specification for Concrete Aggregate and shall be size No. 8 or larger size aggregate as listed in Table 2, Grading Requirements for Course Aggregate; or

2. Meet the 1988 Washington State Department of Transportation Specification 9-03.1 (3) "Coarse Aggregate for Portland Cement Concrete," or any equivalent successor standards. Aggregate size shall be of Grade 8 or larger as listed in Section 9-03.1 (3) C, "Grading"; or

3. Be screened, washed pea gravel free of deleterious substances in a manner consistent with ASTM Standard C-33 with 100 percent passing a 1/2-inch sieve and less than 5 percent passing a No. 16 sieve. Sieve characteristics shall conform to those acceptable under ASTM Standard C-33.

EXCEPTION: Aggregate shall not be required if a substitute material or system, with sufficient load bearing characteristics, and having approved capability to provide equal or superior air flow, is installed.

1203.6.3.2.4 Soil-gas retarder membrane. A soil-gas retarder membrane, consisting of at least one layer of virgin polyethylene with a thickness of at least 6 mil, or equivalent flexible sheet material, shall be either placed directly under all concrete slabs so that the slab is in direct contact with the membrane, or on top of the aggregate with 2 inches minimum

of fine sand or pea gravel installed between the concrete slab and membrane. The flexible sheet shall extend to the foundation wall or to the outside edge of the monolithic slab. Seams shall overlap at least 12 inches. The membrane shall also be fitted tightly to all pipes, wires, and other penetrations of the membrane and sealed with an approved sealant or tape. All punctures or tears shall be repaired with the same or approved material and similarly lapped and sealed.

1203.6.3.2.5 Sealing of penetrations and joints. All penetrations and joints in concrete slabs or other floor systems and walls below grade shall be sealed by an approved sealant to create an air barrier to limit the movement of soil-gas into the indoor air.

Sealants shall be approved by the manufacturer for the intended purpose. Sealant joints shall conform to manufacturer's specifications. The sealant shall be placed and tooled in accordance with manufacturer's specifications. There shall be no gaps or voids after the sealant has cured.

1203.6.3.2.6 Radon vent. One continuous sealed pipe shall run from a point within the aggregate under each concrete slab to a point outside the building. Joints and connections shall be permanently gas tight. The continuous sealed pipe shall interface with the aggregate in the following manner, or by other approved equal method. The pipe shall be permanently connected to a "T" within the aggregate area so that the two end openings of the "T" lie within the aggregate area. A minimum of 5 feet of perforated drain pipe of 3 inches minimum diameter shall join to and extend from the "T." The perforated pipe shall remain in the aggregate area and shall not be capped at the ends. The "T" and its perforated pipe extensions shall be located at least 5 feet horizontally from the exterior perimeter of the aggregate area.

The continuous sealed pipe shall terminate no less than 12 inches above the eave, and more than 10 horizontal feet from a woodstove or fireplace chimney, or operable window. The continuous sealed pipe shall be labeled "radon vent." The label shall be placed so as to remain visible to an occupant.

The minimum pipe diameter shall be 3 inches unless otherwise approved. Acceptable sealed plastic pipe shall be smooth walled, and may include either PVC schedule 40 or ABS schedule of equivalent wall thickness.

The entire sealed pipe system shall be sloped to drain to the subslab aggregate.

The sealed pipe system may pass through an unconditioned attic before exiting the building; but to the extent practicable, the sealed pipe shall be located inside the thermal envelope of the building in order to enhance passive stack venting.

EXCEPTION: A fan for subslab depressurization system includes the following:

1. Soil-gas retarder membrane as specified in Section 1203.6.3.2.4;
2. Sealing of penetrations and joints as specified in Section 1203.6.3.2.5;
3. A 3-inch continuous sealed radon pipe shall run from a point within the aggregate under each concrete slab to a point outside the building;
4. Joints and connections shall be gas tight, and may be of either PVC schedule 40 or ABS schedule of equivalent in wall thickness;

5. A label of "radon vent" shall be placed on the pipe so as to remain visible to an occupant;

6. Fan circuit and wiring as specified in Section 1203.6.3.2.7 and a fan.

If the subslab depressurization system is exhausted through the concrete foundation wall or rim joist, the exhaust terminus shall be a minimum of 6 feet from operable windows or outdoor air intake vents and shall be directed away from operable windows and outdoor air intake vents to prevent radon reentrainment.

1203.6.3.2.7 Fan circuit and wiring and location. An area for location of an in-line fan shall be provided. The location shall be as close as practicable to the radon vent pipe's point of exit from the building, or shall be outside the building shell; and shall be located so that the fan and all downstream piping is isolated from the indoor air.

Provisions shall be made to allow future activation of an in-line fan on the radon vent pipe without the need to place new wiring. A 110 volt power supply shall be provided at a junction box near the fan location.

1203.6.3.2.8 Separate aggregate areas. If the 4-inch aggregate area underneath the concrete slab is not continuous, but is separated into distinct isolated aggregate areas by a footing or other barrier, a minimum of one radon vent pipe shall be installed into each separate aggregate area.

EXCEPTION: Separate aggregate areas may be considered a single area if a minimum 3-inch diameter connection joining the separate areas is provided for every 30 feet of barrier separating those areas.

1203.6.3.2.9 Concrete block walls. Concrete block walls connected to below grade areas shall be considered unsealed surfaces. All openings in concrete block walls that will not remain accessible upon completion of the building shall be sealed at both vertical and horizontal surfaces, in order to create a continuous air barrier to limit the transport of soil-gas into the indoor air.

AMENDATORY SECTION (Amending WSR 13-04-068, filed 2/1/13, effective 7/1/13)

WAC 51-51-0408 Section R408—Under-floor space.

R408.1 Ventilation. The under-floor space between the bottom of the floor joists and the earth under any building (except space occupied by a basement) shall have ventilation openings through foundation walls or exterior walls. A ground cover of six mil (0.006 inch thick) black polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped six inches minimum at the joints and shall extend to the foundation wall.

EXCEPTION: The ground cover may be omitted in crawl spaces if the crawl space has a concrete slab floor with a minimum thickness of two inches.

R408.2 Openings for under-floor ventilation. The minimum net area of ventilation openings shall not be less than 1 square foot (0.0929 m²) for each 300 square feet (28 m²) of under-floor area. Required openings shall be evenly placed to provide cross ventilation of the space except one side of the building shall be permitted to have no ventilation openings.

Ventilation openings shall be covered for their height and width with any of the following materials provided that the least dimension of the covering shall not exceed 1/4 inch (6.4 mm):

1. Perforated sheet metal plates not less than 0.070 inch (1.8 mm) thick.
2. Expanded sheet metal plates not less than 0.047 inch (1.2 mm) thick.
3. Cast-iron grill or grating.
4. Extruded load-bearing brick vents.
5. Hardware cloth of 0.035 inch (0.89 mm) wire or heavier.
6. Corrosion-resistant wire mesh, with the least dimension being 1/8 inch (3.2 mm).

EXCEPTION: The total area of ventilation openings shall be permitted to be reduced to 1/1,500 of the under-floor area where the ground surface is covered with an approved Class I vapor retarder material and the required openings are placed to provide cross ventilation of the space. The installation of operable louvers shall not be prohibited. If the installed ventilation is less than 1/300, or if operable louvers are installed, a radon vent shall be installed to originate from a point between the ground cover and soil. The radon vent shall be installed in accordance with the requirements of Appendix F (Radon) of this code.

R408.3 Unvented crawl space. Ventilation openings in under-floor spaces specified in Sections R408.1 and R408.2 shall not be required where:

1. Exposed earth is covered with a continuous Class I vapor retarder. Joints of the vapor retarder shall overlap by 6 inches (152 mm) and shall be sealed or taped. The edges of the vapor retarder shall extend at least 6 inches (152 mm) up the stem wall and shall be attached and sealed to the stem wall; and a radon system shall be installed that meets the requirements of Appendix F (Radon) of this code.

2. Continuously operated mechanical exhaust ventilation is provided at a rate equal to 1 cubic foot per minute (0.47 L/s) for each 50 square feet (4.7 m²) of crawlspace floor area. Exhaust ventilation shall terminate to the exterior.

EXCEPTION: Plenum in existing structures complying with Section M1601.5, if under-floor space is used as a plenum.

WSR 14-16-024
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 14-181—Filed July 25, 2014, 10:48 a.m., effective August 1, 2014]

Effective Date of Rule: August 1, 2014.

Purpose: Amend recreational fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-62000F; and amending WAC 232-28-620.

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

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

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

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

Number of Sections Adopted at 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: July 25, 2014.

Joe Stohr
for Philip Anderson
Director

NEW SECTION

WAC 232-28-62000F Coastal salmon—Saltwater seasons and daily limits. Notwithstanding the provisions of WAC 232-28-620, effective August 1 through August 31, 2014, it is unlawful to violate the provisions below. Unless otherwise amended, all permanent rules remain in effect:

(1) **Catch Record Card Area 1:** Open until further notice: Daily limit of 2 salmon, of which not more than one may be a Chinook salmon, release wild coho.

(2) **Catch Record Card Area 2:** Open until further notice: Daily limit of 2 salmon, of which not more than one may be a Chinook salmon, release wild coho.

(3) **Catch Record Card Area 3:** Open until further notice: daily limit of 2 salmon, release wild coho.

(4) **Catch Record Card Area 4:** Open until further notice: daily limit of 2 salmon, release wild coho. Waters east of a true north-south line through Sail Rock are closed through July 31. Waters south of a line from Kydaka Point to Shipwreck Point are closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective September 1, 2014:

WAC 232-28-62000F Coastal salmon—Saltwater seasons and daily limits.

WSR 14-16-035**EMERGENCY RULES****OFFICE OF****FINANCIAL MANAGEMENT**

[Filed July 28, 2014, 8:29 a.m., effective July 28, 2014, 8:29 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: SSB 5173 allows employees of state agencies and political subdivisions, and institutions of higher education, to take two unpaid holidays for reasons of faith or conscience. Leave may only be denied if the employee is necessary to maintain public safety or approval results in an "undue hardship" as defined by the office of financial management in rule. The appropriate personnel authority may promulgate guidelines by rule for the implementation of this bill. This new rule establishes a timeframe for when an employee must notify their supervisor to request unpaid leave for reasons of faith or conscience.

Statutory Authority for Adoption: Chapter 168, Laws of 2014 (SSB 5173).

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: There is uncertainty as to whether an employee must give notice and the timeframe for that notice. In order for the employer to ensure the leave will not cause undue hardship, advance notice is needed. In order to provide certainty to the employee and allow an employer time to either make the determination or prepare for the leave, a prior notice timeframe needs to be established. Since the law has already taken effect, this rule needs to be effective immediately. Upon the effective date of this bill, employees must request use of unpaid leave for faith or conscience to their supervisor within fourteen calendar days.

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

Number of Sections Adopted at 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: July 28, 2014.

Roselyn Marcus
Assistant Director for
Legal and Legislative Affairs
Rules Coordinator

NEW SECTION

WAC 357-31-053 Within what time frame must an employee notify their supervisor to request an unpaid holiday in accordance with WAC 357-31-052? When requesting an unpaid holiday in accordance with WAC 357-31-052, an employee must give at least fourteen calendar days' written notice to the supervisor. However, the employee and supervisor may agree upon a shorter time frame.

WSR 14-16-040**EMERGENCY RULES****DEPARTMENT OF****FISH AND WILDLIFE**

[Order 14-188—Filed July 28, 2014, 1:09 p.m., effective August 4, 2014]

Effective Date of Rule: August 4, 2014.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-52-071.

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

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

Reasons for this Finding: Harvestable amounts of sea cucumbers are available in sea cucumber districts listed. Harvest landings limits for sea cucumbers have been requested by the industry in an effort to conserve harvest quota and maximize market opportunities. 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 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: July 28, 2014.

Joe Stohr
for Philip Anderson
Director

NEW SECTION

WAC 220-52-07100F Sea cucumber Notwithstanding the provisions of WAC 220-52-071, effective August 4,

2014, it is unlawful to take or possess sea cucumbers for commercial purposes except as provided for in this section:

(1) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber Districts 1 and 2 on Monday, Tuesday and Wednesday of each week.

(2) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 5 on Monday through Friday of each week.

(3) The maximum cumulative landing of sea cucumbers for each weekly fishery opening period is 2,000 pounds per valid designated sea cucumber harvest license. It is permissible for all or any fraction of the maximum 2,000 pound total to be harvested during any legal harvest date within any legal harvest area so long as the cumulative total for the fishery week does not exceed the maximum.

WSR 14-16-041
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 14-189—Filed July 28, 2014, 1:26 p.m., effective July 28, 2014, 1:26 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend WAC 220-56-510 to clarify that it is unlawful to retain bull trout.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-510.

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

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

Reasons for this Finding: The underlying intent of WAC 220-56-510 is to prohibit the retention of bull trout as bull trout are listed as endangered or threatened wildlife under 50 C.F.R. § 17.11. This rule change is needed to clarify that it is unlawful to retain bull trout, as initially intended and is necessary to prohibit the retention of bull trout. This rule is interim until permanent rule changes can be adopted.

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 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 0, Repealed 0.

Date Adopted: July 28, 2014.

Joe Stohr
for Philip Anderson
Director

NEW SECTION

WAC 220-56-51000A Game fish possession limits and size limits. Notwithstanding the provisions of WAC 220-56-510, effective immediately until further notice, it is unlawful to retain bull trout. Unless otherwise amended, all permanent rules remain in effect.

WSR 14-16-046
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 14-180—Filed July 29, 2014, 2:00 p.m., effective September 1, 2014]

Effective Date of Rule: September 1, 2014.

Purpose: Amend recreational fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-62000D and 232-28-62000E; and amending WAC 232-28-620.

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

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

Reasons for this Finding: The department has adopted permanent rules necessary to implement the personal use fishing plans developed through the North of Falcon season setting process. These rules are responsive to public input and comment received by the department. These rules are interim until permanent rules take effect.

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

Number of Sections Adopted at 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 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: July 29, 2014.

Philip Anderson
Director

NEW SECTION

WAC 232-28-62000E Coastal salmon—Saltwater seasons and daily limits. Notwithstanding the provisions of WAC 232-28-620, effective August 1, 2014, it is unlawful to violate the provisions below. Unless otherwise amended, all permanent rules remain in effect:

(1) **Willapa Bay (Catch Record Card Area 2-1):** Open August 1, 2014, until further notice.

(a) Daily limit 6 salmon; no more than 3 adult salmon; release wild Chinook; anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.

(i) Closed: Effective immediately until further notice, waters south of a line from Needle Point northwesterly to Long Island Shoal light (green) (46°32.32'N, 123°58.59'W) then due west to landfall on the North Beach peninsula at 46°32.32'N.

(ii) Closed: Effective immediately until further notice, waters north of a line from Toke Point channel marker 3 easterly through Willapa Harbor channel marker 13 (green) northeasterly to the power transmission pole located at 46°43.19'N, 123°50.83'W.

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

(a) Effective immediately through August 15: Closed.

(b) August 16 through August 25:

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

(ii) Release wild coho.

(iii) Waters south of a line running from the south end of the eastern jetty at Ocean Shores Marina to the fishing boundary marker on Sand Island (46°57.52'N, 124°03.36'W) to the Tripod Station on Brackenridge Bluff (46°59.12'N, 124°00.72'W) are closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 1, 2014:

WAC 232-28-62000D Coastal salmon—Saltwater seasons and daily limits. (14-91)

The following section of the Washington Administrative Code is repealed effective August 25, 2014:

WAC 232-28-62000E Coastal salmon—Saltwater seasons and daily limits.

**WSR 14-16-047
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 14-187—Filed July 29, 2014, 2:02 p.m., effective September 1, 2014]

Effective Date of Rule: September 1, 2014.

Purpose: Amend recreational fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-310-19500N.

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

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

Reasons for this Finding: The spring chinook salmon run has ended in this portion of the Wenatchee River. Repealing the emergency rule will revert to permanent rules. 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 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: July 29, 2014.

Philip Anderson
Director

REPEALER

The following section of the Washington Administrative Code is repealed effective August 1, 2014:

WAC 220-310-19500N Wenatchee River. (14-134)

**WSR 14-16-048
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 14-190—Filed July 29, 2014, 2:05 p.m., effective July 29, 2014]

Effective Date of Rule: July 29, 2014.

Purpose: Amend recreational fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-310-19500X; and amending WAC 220-310-195.

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

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Hatchery summer chinook returns to the Wenatchee River are predicted to be in excess of spawning escapement needs. The majority of spring chinook and bull trout will have migrated to the upper Wenatchee River, and few steelhead will remain in the mainstem. Adult chinook salmon released as juveniles from the hatchery rearing facility below the Chelan PUD powerhouse are expected to return in sufficient numbers to provide a fishery and are currently entering the river. Opening these sections early on the two rivers will provide additional angling opportunity. There is insufficient time to adopt permanent rules.

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

Number of Sections Adopted at 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: July 29, 2014.

Philip Anderson
Director

NEW SECTION

WAC 220-310-19500X Freshwater exceptions to statewide rules. Notwithstanding the provisions of WAC 220-310-195:

(1) Effective August 1 through September 30, 2014, a person may fish for salmon in waters of the Wenatchee River from the confluence of Peshastin Creek to the Icicle River Road bridge on the west end of Leavenworth.

(a) Daily limit four hatchery Chinook salmon, of which only two may be adult hatchery Chinook. Minimum size 12 inches.

(b) Selective gear rules and night closure apply.

(2) Effective August 1 through October 15, 2014, a person may fish for salmon in waters of the Chelan River from the railroad bridge at the mouth to the Chelan PUD safety barrier below the powerhouse.

(a) Daily limit of eight salmon, up to two may be adult hatchery Chinook and up to four may be sockeye salmon. Minimum size 12 inches. Release coho and wild adult Chinook.

(b) Barbless hooks are required.

(c) Night closure is in effect.

REPEALER

The following section of the Washington Administrative Code is repealed effective October 16, 2014:

WAC 220-310-19500X Freshwater exceptions to statewide rules.

WSR 14-16-051
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 14-191—Filed July 29, 2014, 2:22 p.m., effective July 29, 2014, 11:59 p.m.]

Effective Date of Rule: July 29, 2014, 11:59 p.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100T; and amending WAC 220-52-051.

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

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

Reasons for this Finding: The 2014 state/tribal shrimp harvest management plans for the Strait of Juan de Fuca and Puget Sound require adoption of harvest seasons contained in this emergency rule. This emergency rule: (1) Implements a spot shrimp biweekly limit of six hundred pounds in Shrimp Management Areas 1A and 1C; and (2) opens the 20A beam trawl fishery. 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 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: July 29, 2014.

Philip Anderson
Director

NEW SECTION

WAC 220-52-05100U Puget Sound shrimp pot and beam trawl fishery—Season. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) All waters of Shrimp Management Areas 1A, 1C, 2W, 3, 4, 5 and 6 are open to the harvest of all shrimp species, except:

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

ii) All waters of Shrimp Management Areas 2W, 4, 6 and Catch Areas 23A-E and 25A are closed to the harvest of spot shrimp.

iii) All waters of Shrimp Management Areas 1A and 1C are closed to the harvest of all species other than spot shrimp.

(b) The spot shrimp catch accounting biweekly management periods are July 30 through August 12.

(c) It is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 1,200 pounds per biweekly management period, except it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per biweekly management period in Shrimp Management Area 1A and 600 pounds per biweekly management period in Shrimp Management Area 1C.

(d) It is unlawful to pull shellfish pots in more than one catch area per day.

(e) Only pots with a minimum mesh size of 1 inch may be pulled on calendar days when fishing for or retaining spot shrimp. Mesh size of 1 inch is defined as a mesh opening that a 7/8-inch square peg will pass through, excluding the entrance tunnels, except for flexible (web) mesh pots, where the mesh must be a minimum of 1 3/4-inch stretch measure. Stretch measure is defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh, when the mesh is stretched vertically.

(2) Shrimp beam trawl gear:

(a) Shrimp Management Area (SMA) 3 (outside of the Discovery Bay Shrimp District, Sequim Bay and Catch Area 23D) is open. Sequim Bay includes those waters of Catch Area 25A south of a line projected west from Travis Spit on the Miller Peninsula.

(b) Those portions of Catch Areas 20B, 21A and 22A within SMA 1B are open.

(c) Effective 6:00 a.m. August 1, 2014, until further notice, all waters of Catch Area 20A are open.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. July 29, 2014:

WAC 220-52-05100T Puget Sound shrimp pot and beam trawl fishery—Season. (14-179)

WSR 14-16-057
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 14-192—Filed July 30, 2014, 9:23 a.m., effective August 3, 2014, 9:00 p.m.]

Effective Date of Rule: August 3, 2014, 9:00 p.m.

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

Citation of Existing Rules Affected by this Order: Amending WAC 220-33-010.

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

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

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

Reasons for this Finding: Sets the first series of fishing periods for the 2014 fall season for non-Indian commercial fisheries in the mainstem Columbia River and select area sites. The preseason forecast for the Columbia River return of fall chinook exceeds 1.5 million fish. This record breaking forecast provides harvestable chinook for commercial purposes. Harvest estimates for the seasons are well within ESA limits. The seasons are consistent with the *U.S. v. Oregon* 2008-2017 Interim Management Agreement and the fall chinook allocation agreement developed through the North of Falcon process. The regulation is consistent with compact action of July 29, 2014. There is insufficient time to adopt permanent rules.

Washington and Oregon jointly regulate Columbia River fisheries under the congressionally ratified Columbia River compact. Four Indian tribes have treaty fishing rights in the Columbia River. The treaties preempt state regulations that fail to allow the tribes an opportunity to take a fair share of the available fish, and the states must manage other fisheries accordingly. *Sohappy v. Smith*, 302 F. Supp. 899 (D. Or. 1969). A federal court order sets the current parameters for sharing between treaty Indians and others. *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2008-2017 *United States v. Oregon* Management Agreement (Aug. 12, 2008) (Doc. No. 2546).

Some Columbia River Basin salmon and steelhead stocks are listed as threatened or endangered under the fed-

eral ESA. On May 5, 2008, the National Marine Fisheries Service issued a biological opinion under 16 U.S.C. § 1536 that allows for some incidental take of these species in treaty and nontreaty Columbia River fisheries governed by the 2008-2017 *U.S. v. Oregon* Management Agreement. The Washington and Oregon fish and wildlife commissions have developed policies to guide the implementation of such biological opinions in the states' regulation of nontreaty fisheries.

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

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

Number of Sections Adopted at 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: July 30, 2014.

Joe Stohr
for Philip Anderson
Director

NEW SECTION

WAC 220-33-0100Z Columbia River season below Bonneville. Notwithstanding the provisions of WAC 220-33-010 and WAC 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas (SMCRA) 1A, 1B, 1C, 1D, and 1E, except as provided in this section.

(1) Mainstem Columbia River

(a) SEASON: From August 3 through August 22, 2014, open during specific dates and times:

(i) Week 32, 3 open periods:

(A) 9 PM Sunday August 3 to 6 AM Monday August 4

(B) 9 PM Tuesday August 5 to 6 AM Wednesday August

6

(C) 9 PM Thursday August 7 to 6 AM Friday August 8

(ii) Week 33, 3 open periods:

(A) 9 PM Sunday August 10 to 6 AM Monday August 11

(B) 9 PM Tuesday August 12 to 6 AM Wednesday

August 13

(C) 9 PM Thursday August 14 to 6 AM Friday August 15

(iii) Week 34, 3 open periods:

(A) 9 PM Sunday August 17 to 6 AM Monday August 18

(B) 9 PM Tuesday August 19 to 6 AM Wednesday

August 20

(C) 9 PM Thursday August 21 to 6 AM Friday August 22

(b) AREA: SMCRA 1D, 1E. The deadline at the lower end of SMCRA 1D is defined as a straight line projected from the Warrior Rock Lighthouse on the Oregon shore easterly through the green navigation buoy #1 and continuing to the Washington shore.

(c) GEAR: Drift gillnets only. 9-inch minimum mesh size.

(d) SANCTUARIES: Washougal and Sandy Rivers.

(e) ALLOWABLE POSSESSION: Chinook, coho, pink and sockeye salmon and shad.

(2) Deep River Select Area.

(a) SEASON: Monday and Thursday nights August 18 through August 29, 2014.

(i) Monday, Tuesday, Wednesday and Thursday nights from September 1 through September 12, 2014.

(ii) Monday, Tuesday, Wednesday, Thursday and Friday nights from September 15 through September 27, 2014.

(iii) Monday, Tuesday, Wednesday and Thursday nights from September 29 through October 17, 2014.

(iv) Monday night October 20 and Thursday night October 23, 2014.

(v) Open hours are 7 PM to 7 AM.

(b) AREA: The Deep River Select Area. Concurrent-jurisdiction waters extend downstream of the Highway 4 Bridge.

(c) GEAR: Gillnet. Monofilament gear is allowed. 9 3/4-inch maximum mesh size through September 12 and 6-inch maximum mesh thereafter. Net length: 100 fathoms maximum. No weight restriction on the lead line. Use of additional weights or anchors attached directly to the lead line is allowed. Nets may not be tied off to stationary structures. Nets may not fully cross the navigation channel. It is unlawful to operate in any river, stream or channel any gillnet gear longer than three-fourths the width of the river, stream, or channel. "River, stream, or channel width" is defined as bank-to-bank, where the water meets the banks, regardless of the time of tide or the water level. This emergency provision supersedes the permanent rule and all other rules that conflict with it. All other provisions of the permanent rule remain in effect (WAC 220-20-015(1)).

(3) Tongue Point/South Channel Select Area.

(a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights from August 25 through October 31, 2014. Open 7 PM to 7 AM through September 12, and 4 PM to 10 AM thereafter.

(b) AREA: Tongue Point and South Channel. All waters in this fishing area are concurrent-jurisdiction waters.

(c) GEAR: Gillnet. 6-inch maximum mesh. Net length: 250 fathoms maximum.

(i) Tongue Point fishing area: Weight not to exceed two pounds on any one fathom. Fishers participating in the Tongue Point fishery may have onboard un-stored gillnets legal for the South Channel fishing area.

(ii) South Channel area: No weight restriction on lead line. Use of additional weights and/or anchors attached directly to the lead line is allowed.

(4) Blind Slough/Knappa Slough Select Area.

(a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights from August 25 through October 31. Open hours are 7 PM to 7 AM through September 12, and 6 PM to 8 AM thereafter.

(b) AREA: Blind Slough and Knappa Slough. An area closure of an approximately 100-foot radius at the mouth of Big Creek is in effect. Concurrent jurisdiction waters include all areas in Knappa Slough and downstream of the Railroad Bridge in Blind Slough.

(c) GEAR: Gillnet. Monofilament gear is allowed. 9 3/4-inch maximum mesh size. Maximum net length of 100 fathoms. No weight restriction on lead line. Use of additional weights and/or anchors attached directly to the lead line is allowed.

(5) Additional requirements for all Select Area commercial fisheries:

(a) Nets not specifically authorized for use may be onboard the vessel if properly stored, consistent with WAC 220-33-001.

(b) ALLOWABLE POSSESSION: Chinook, coho, pink and sockeye salmon and shad.

(6) **Quick Reporting:** 24-hour quick-reporting is required for Washington wholesale dealers, pursuant to WAC 220-69-240. Columbia River reports must be submitted within 24 hours of the closure of each fishing period. This quick-reporting requirement applies to all seasons in this section.

(7) **Miscellaneous:** Nets fished any time between official sunset and official sunrise must have lighted buoys on both ends of the net. If the net is attached to the boat, then one lighted buoy on the end of the net opposite the boat is required.

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.

vested elk on site in the field to minimize potential spread of hoof disease to other areas not yet affected by hoof disease. The department is currently engaging in rule making to incorporate these transport restrictions into permanent rules. There is insufficient time to adopt permanent rules before damage hunts begin in these GMUs.

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 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: July 30, 2014.

Philip Anderson
Director

NEW SECTION

WAC 232-12-28600A Reducing the spread of hoof disease—Unlawful transport of elk hooves. Effective immediately until further notice:

(1) It is unlawful to transport the hooves of harvested elk beyond the site where the animal was killed in Game Management Units 501 through 564, and 642 through 699.

(2) A violation of this section is an infraction under RCW 77.15.160, Infractions.

WSR 14-16-061**EMERGENCY RULES****DEPARTMENT OF****FISH AND WILDLIFE**

[Order 14-193—Filed July 30, 2014, 1:02 p.m., effective July 30, 2014, 1:02 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: An emergency rule to reduce the risk of hoof disease spreading from Units 501 through 564 and 642 through 699 to other areas.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, and 77.12.455.

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 requires successful elk hunters in southwest Washington to leave hooves of har-

WSR 14-16-072**EMERGENCY RULES****BUILDING CODE COUNCIL**

[Filed July 31, 2014, 2:02 p.m., effective July 31, 2014, 2:02 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This rule change will ease a significant financial burden that was placed on small daycares and small or limited school remodel projects; the current rule exempts Group E occupancies with an occupant load of thirty or fewer from requirements for manual fire alarm systems. This rule will raise that number to fifty or fewer. It will also specify that an emergency voice alarm system is not required in Group E occupancies of one hundred or fewer occupants if the manual fire alarm system initiates an approved signal.

Note: This submission is filed to renew the emergency rule filed as WSR 14-08-090 on April 1, 2014. The state building code council has also filed this matter for permanent rule making as filed on July 28, 2014, under WSR 14-16-032.

Citation of Existing Rules Affected by this Order: Amending WAC 51-54A-0907.

Statutory Authority for Adoption: RCW 19.27.031, 19.27.074.

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 2012 Fire Code places an undue financial hardship on school districts and small Group E daycare centers. The amendment provides an adequate level of safety as determined by the national standard for 2015. The 2012 Fire Code had the consequence of an increased scope that was not justified.

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 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 0, Repealed 0.

Date Adopted: March 7, 2014.

C. Ray Allshouse
Chair

AMENDATORY SECTION (Amending WSR 13-04-063, filed 2/1/13, effective 7/1/13)

WAC 51-54A-0907 Fire alarm and detection systems.

907.2.3 Group E. A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/ alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system.

EXCEPTION:

1. A manual fire alarm system is not required in Group E occupancies with an occupant load of 50 or less.
2. Emergency voice/alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group E occupancies with occupant loads of 100 or less, provided that activation of the manual fire alarm system initiates an approved occupant notification signal in accordance with Section 907.5.
3. Manual fire alarm boxes are not required in Group E occupancies where all of the following apply:

3.1 Interior corridors are protected by smoke detectors.
3.2 Auditoriums, cafeterias, gymnasiums and similar areas are protected by heat detectors or other approved detection devices.

3.3 Shops and laboratories involving dusts or vapors are protected by heat detectors or other approved detection devices.

4. Manual fire alarm boxes shall not be required in Group E occupancies where the building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, the emergency voice/alarm communication system will activate on sprinkler water flow and manual activation.

907.2.9.1.1 Group R-2 boarding homes. A manual fire alarm system shall be installed in Group R-2 occupancies where the building contains a boarding home licensed by the state of Washington.

EXCEPTION: In boarding homes licensed by the state of Washington, manual fire alarm boxes in resident sleeping areas shall not be required at exits if located at all constantly attended staff locations, provided such staff locations are visible, continuously accessible, located on each floor, and positioned so no portion of the story exceeds a horizontal travel distance of 200 feet to a manual fire alarm box.

WSR 14-16-074

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 14-195—Filed July 31, 2014, 3:35 p.m., effective July 31, 2014, 3:35 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-49-05700B; and amending WAC 220-49-057.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.055, 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: An emergency regulation is needed due to recent communication with affected fishers that indicated new permanent regulations limiting allowable fishing periods would not be put into effect until August 4, 2014. This emergency regulation will result in one additional allowable fishing day (August 3, 2014), after which the permanent regulation will be in effect with fishing allowed from 6 a.m. to 10 p.m. Monday through Thursday during seasonal openings.

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 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: July 31, 2014.

Philip Anderson
Director

NEW SECTION

WAC 220-49-05700B Puget Sound smelt commercial fishery—Weekly periods. Notwithstanding the provisions of WAC 220-49-057, it is permissible to fish for smelt for commercial purposes in Puget Sound from 8:00 a.m. through 11:59 p.m. Sunday August 3, 2014, in areas open by WAC 220-49-056.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 4, 2014:

WAC 220-49-05700B Puget Sound smelt commercial fishery—Weekly periods.

**WSR 14-16-077
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 14-196—Filed July 31, 2014, 4:33 p.m., effective July 31, 2014, 4:33 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-04000I; and amending WAC 220-24-040.

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: A harvestable quota of salmon is available for the troll fleet. An increase in the chinook and coho cap is necessary to keep the fishery on track to take the quota over the summer season. These rules are adopted at the recommendation of the Pacific Fisheries Management Coun-

cil, in accordance with preseason fishing plans. There is insufficient time to adopt permanent rules.

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

Number of Sections Adopted at 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: July 31, 2014.

Philip Anderson
Director

NEW SECTION

WAC 220-24-04000J All-citizen commercial salmon troll. Notwithstanding the provisions of WAC 220-24-040, effective immediately until further notice, it is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons provided for in this section:

(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:

August 1 through August 5, 2014;
August 8 through August 12, 2014;
August 15 through August 19, 2014;
August 22 through August 26, 2014;
August 29 through September 2, 2014;
September 5 through September 9, 2014; and
September 12 through September 15, 2014.

(2) Landing and possession limit of 50 Chinook and 80 marked coho per boat per each entire open period for the entire Catch Areas 1 and 2. Landing and possession limit of 50 Chinook and 50 marked coho per boat per each entire open period for the entire Catch Areas 3 and 4. The Cape Flattery and Columbia River Control Zones are closed. No boat may land or possess more than 50 Chinook and 80 marked coho during the entire open period. All coho must have a healed adipose fin clip.

(3) Mandatory Yelloweye Rockfish Conservation Area is closed.

(4) Minimum size for Chinook salmon is 28 inches in length. Minimum size for Coho salmon is 16 inches in length. No minimum size for pink, sockeye, or chum salmon, except no chum retention north of Cape Alava, Washington, in August and September. It is unlawful to possess wild coho salmon.

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

(6) Fishers must land and deliver their catch within 24 hours of any closure of a fishery provided for in this section, and vessels fishing or in possession of salmon while fishing north of Leadbetter Point must land and deliver their fish within the area and north of Leadbetter Point. Vessels fishing or in possession of salmon while fishing south of Leadbetter Point must land and deliver their fish within the area and south of Leadbetter Point. Vessels in possession of salmon north of the Queets River may not cross the Queets River line without first notifying WDFW by phone at (360) 902-2739 or by email at Douglas.Milward@dfw.wa.gov with area fished, total Chinook and halibut catch on board, and destination. Vessels in possession of salmon south of the Queets River may not cross the Queets River line without first notifying WDFW by phone at (360) 902-2739 or by email at Douglas.Milward@dfw.wa.gov with Area fished, total Chinook and halibut catch on board, and destination. Any vessel in area 3 or 4 with fish on board from any Area 1, 2, 3 or 4 may not possess more than 35 Chinook or 40 coho on board.

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

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

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

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

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

numbers, the gear used, the catch area, the species, the total number for each species, and the total weight for each species, including halibut.

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

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

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-040001 All-citizen commercial salmon troll.
(13-171)

WSR 14-16-081

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 14-197—Filed August 1, 2014, 2:11 p.m., effective August 2, 2014]

Effective Date of Rule: August 2, 2014.

Purpose: Amend recreational fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-310-19500Y; and amending WAC 220-310-195.

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

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

Reasons for this Finding: Salmon Creek has been designated as a recovery stream for Endangered Species Act listed steelhead. Sufficient water has been procured for Salmon Creek to attract spawning steelhead adults. Nonnative species such as smallmouth bass and eastern brook trout, along with residual juvenile hatchery steelhead, have increased competition and predation, making recovery efforts more difficult. 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 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: August 1, 2014.

Nate Pamplin
for Philip Anderson
Director

NEW SECTION

WAC 220-310-19500Y Exceptions to statewide rules—Salmon Creek (Okanogan Co.) Notwithstanding the provisions of WAC 220-310-195, effective August 2 through October 31, 2014, it is permissible to fish in waters of Salmon Creek from the Okanogan Irrigation District diversion (7.2 km upstream of the mouth) to Conconully Reservoir Dam with the following restrictions:

- (1) Smallmouth bass and eastern brook trout - no minimum size, daily limit 10 each.
- (2) Adipose-clipped rainbow trout - minimum size 10 inches, daily limit 10.
- (3) Selective gear rules are in effect.
- (4) All other trout and salmon must be released.

REPEALER

The following section of the Washington Administrative Code is repealed effective November 1, 2014:

WAC 220-310-19500Y Exceptions to statewide rules—
Salmon Creek (Okanogan Co.)