

WSR 07-11-006
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 07-73—Filed May 3, 2007, 9:47 a.m., effective May 7, 2007, 12:01 a.m.]

Effective Date of Rule: May 7, 2007, 12:01 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-03000C; and amending WAC 220-52-030.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: Based on historical catches and on site inspection, there should be adequate clams to support an eight-week season. Biotxin levels currently fall below the regulatory threshold. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: May 2, 2007.

J. P. Koenings
 Director

NEW SECTION

WAC 220-52-03000C Commercial razor clams. Notwithstanding the provisions of WAC 220-52-030, effective 12:01 a.m. May 7, 2007, through 11:59 p.m. June 30, 2007, it is lawful to dig for and possess razor clams for commercial purposes only in those waters and detached beaches of Razor Clam Area 1, lying south of the Willapa Bay Ship Channel, west of Ellen Sands and north of the tip of Leadbetter point; and in those waters and attached beaches north of the line of boundary markers consisting of five white posts near the northern tip of Leadbetter Point; all other areas remain closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 1, 2007:

WAC 220-52-03000C Commercial razor clams.

WSR 07-11-023
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed May 4, 2007, 9:43 a.m., effective May 4, 2007, 9:43 a.m.]

Effective Date of Rule: Immediately.

Purpose: This action is necessary because the department did not provide sufficient notice to stakeholders, as required by the Administrative Procedure Act (APA), of changes to WAC 388-544-0250 that eliminated certain covered services as then set forth in new WAC 388-544-0475 Noncovered services eyeglasses, and contact lenses.

The department is also filing a CR-101 as WSR 07-10-125 to begin the permanent rule-making process for the non-covered services, eyeglasses, and contact lenses portion of chapter 388-544 WAC to correct this matter.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-544-0475.

Statutory Authority for Adoption: RCW 74.08.090.

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

Reasons for this Finding: To bring the department into compliance with the state law (Administrative Procedure Act).

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 0.

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

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

Date Adopted: May 1, 2007.

Stephanie E. Schiller
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 05-13-038, filed 6/6/05, effective 7/7/05)

WAC 388-544-0475 Vision care—Noncovered services, eyeglasses, and contact lenses. ~~((The medical assistance administration (MAA) does not cover the following:~~

- ~~(1) Executive style eyeglass lenses;~~
- ~~(2) Bifocal contact lenses;~~
- ~~(3) Daily and two week disposable contact lenses;~~
- ~~(4) Extended wear soft contact lenses, except when used as therapeutic contact bandage lenses or for aphakic clients;~~
- ~~(5) Services for cosmetic purposes only;~~
- ~~(6) Glass lenses including those that darken when exposed to light;~~
- ~~(7) Group vision screening for eyeglasses;~~
- ~~(8) Nonglare or anti-reflective lenses;~~
- ~~(9) Orthoptics and visual training therapy;~~
- ~~(10) Progressive lenses;~~
- ~~(11) Refractive surgery of any type that changes the eye's refractive error. The intent of the refractive surgery procedure is to reduce or eliminate the need for eyeglass or contact lens corrections. This does not include intraocular lens implantation following cataract surgery.~~
- ~~(12) Sunglasses and accessories that function as sunglasses (e.g., "clip-ons");~~
- ~~(13) Upgrades at private expense to avoid MAA's contract limitations (e.g., frames that are not available through MAA's contract or noncontract frames or lenses for which the client or other person pays the difference between MAA's payment and the total cost))~~ Reserved.

**WSR 07-11-026
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 07-78—Filed May 4, 2007, 1:21 p.m., effective May 5, 2007]

Effective Date of Rule: May 5, 2007.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900R and 232-28-61900E; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 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: In-season monitoring shows the spring chinook return to Wind River is likely larger than originally forecasted. Only 2,100 adult spring chinook were expected to return in 2007. Using passive integrated transponder (PIT) tag recovery data from returning adult chinook at Bonneville Dam, twice as many fish may be headed back to the Wind. Already, nearly 100 fish have been counted at the Shipherd Falls trap and the first fish of the season had returned to the hatchery. There is insufficient time to promulgate permanent rules.

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

Number of Sections Adopted at 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: May 4, 2007.

J. P. Koenings
Director

NEW SECTION

WAC 232-28-61900E Exceptions to statewide rules—Wind River (Skamania Co.) Notwithstanding the provisions of WAC 232-28-619, effective May 5, 2007, through June 30, 2007, it is lawful to fish for salmonids in those waters of the Wind River from boundary line/markers to 400 feet below Shipherd Falls, 100 feet above Shipherd Falls to 400 feet below the coffer dam, and 100 feet above the coffer dam to boundary markers approximately 800 yards downstream from Carson National Fish Hatchery. Daily limit of two chinook salmon greater than 12 inches in length or two hatchery steelhead greater than 20 inches in length or a combination of one such salmon and one such steelhead. Release all wild chinook downstream of Shipherd falls. Night closure and non-buoyant lure restrictions in effect. Only fish hooked inside the mouth may be retained.

REPEALER

The following section of the Washington Administrative Code is repealed effective May 5, 2007:

WAC 232-28-61900R	Exceptions to statewide rules—Wind River (Skamania Co.) (07-33)
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The following section of the Washington Administrative Code is repealed effective July 1, 2007:

WAC 232-28-61900E	Exceptions to statewide rules—Wind River (Skamania Co.)
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WSR 07-11-035
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 07-77—Filed May 8, 2007, 11:18 a.m., effective May 8, 2007, 11:59 p.m.]

Effective Date of Rule: May 8, 2007, 11:59 p.m.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-25500J; and amending WAC 220-56-255.

Statutory Authority for Adoption: RCW 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 south coast (Westport) recreational halibut fishery is projected to attain its portion of the Pacific halibut quota. This rule conforms to federal action taken by the Pacific Fisheries Management Council. There is insufficient time to promulgate permanent rules.

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

Number of Sections Adopted at 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: May 8, 2007.

J. P. Koenings
Director

NEW SECTION

WAC 220-56-25500K Halibut—Seasons—Daily and possession limits. (1) Notwithstanding the provisions of WAC 220-56-255, effective immediately until further notice, it is unlawful to fish for or possess halibut taken for personal use, except as provided in this section:

(a) Catch Record Card Area 1 - Open until further notice. By-catch restriction: It is unlawful during any vessel trip to bring into port or land bottomfish except sablefish or Pacific Cod if the vessel has brought halibut into port or landed halibut during that trip.

(b) Catch Record Card Area 2 - Closed effective 11:59 p.m. May 8, 2007.

(c) Catch Record Card Areas 3 and 4 - Open May 15, 2007, until further notice, except closed to fishing for halibut 12:01 a.m. each Sunday through 11:59 p.m. each Monday;

12:01 a.m. through 11:59 p.m. each Wednesday; and 12:01 a.m. through 11:59 p.m. each Friday. The following area southwest of Cape Flattery is closed to fishing for halibut at all times:

Beginning at 48°18'N., 125°18'W.; thence to 48°18'N., 124°59'W.; thence to 48°11'N., 124°59'W.; thence to 48°11'N., 125°11'W.; thence to 48°04'N., 125°11'W.; thence to 48°04'N., 124°59'W.; thence to 48°N., 124°59'W.; thence to 48°N., 125°18'W.; thence to point of origin.

(d) Catch Record Card Areas 6 through 11 and Catch Record Card Area 13 - Open through June 16, 2007, except closed to fishing for halibut 12:01 a.m. of each Tuesday through 11:59 p.m. of each Wednesday.

(e) Catch Record Card Area 5 - Open May 24, 2007 until further notice, except closed to fishing for halibut 12:01 a.m. of each Tuesday through 11:59 p.m. of each Wednesday.

(f) Daily limit one halibut. The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit.

REPEALER

The following section of the Washington Administrative code is repealed 11:59 p.m. May 8, 2007:

WAC 220-56-25500J	Halibut—Seasons—Daily and possession limits. (07-58)
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WSR 07-11-038
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 07-79—Filed May 8, 2007, 2:42 p.m., effective May 9, 2007]

Effective Date of Rule: May 9, 2007.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900F; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 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: There are sufficient numbers of hatchery origin fish, within allowable limits for potential impacts on wild fish, to open a limited Snake River fishery. There is insufficient time to promulgate permanent rules.

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

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at 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: May 8, 2007.

Loreva M. Preuss
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-61900F Exceptions to statewide rules—Snake River. Notwithstanding the provisions of WAC 232-28-619:

(1) Effective May 9 through June 30, 2007, in those waters of the Snake River from Texas Rapids boat launch upstream to the Corps of Engineers boat launch approximately one mile upstream of Little Goose Dam on the south bank of the River it is lawful to fish for and possess salmon. Daily limit of one hatchery chinook salmon, adipose fin missing with a healed scar. Minimum size 12 inches in length.

(a) All Chinook with the adipose fin intact, and all steelhead, must be released immediately unharmed.

(b) Hooks must be barbless when fishing for all species, except single barbless hooks only when fishing for sturgeon.

(c) It is unlawful to use any hook larger than 5/8 inch (point of hook to shank) when fishing for all species, except sturgeon.

(d) Night closure is in effect.

REPEALER

The following section of the Washington Administrative Code is repealed effective July 1, 2007:

WAC 232-28-61900F Exceptions to statewide rules—Snake River.

**WSR 07-11-052
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 07-81—Filed May 10, 2007, 2:49 p.m., effective May 10, 2007, 2:49 p.m.]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-07300L.

Statutory Authority for Adoption: RCW 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 2006-2007 state sea urchin harvest quota share amounts have been taken. There is insufficient time to promulgate permanent rules.

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

Number of Sections Adopted at 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: May 10, 2007.

J. P. Koenings
Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-07300L Sea urchins. (07-20)

**WSR 07-11-053
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 07-80—Filed May 10, 2007, 2:50 p.m., effective May 10, 2007, 2:50 p.m.]

Effective Date of Rule: Immediately.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500Q; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. The state recreational share of spot shrimp has been taken in Marine Area

9, and there is sufficient quota for one more weekday of fishing in Marine Area 10. There is insufficient time to promulgate permanent rules.

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

Number of Sections Adopted at 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: May 10, 2007.

J. P. Koenings
Director

NEW SECTION

WAC 220-56-32500R Shrimp—Areas and seasons.

Notwithstanding the provisions of WAC 220-56-325, effective immediately until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 9, 10, 11, and the Discovery Bay Shrimp District, except it is lawful to fish for or possess shrimp taken for personal use in all waters of Marine Area 10 from 7:00 a.m. to 3:00 p.m., May 16, 2007.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-32500Q Shrimp—Areas and seasons
(07-69)

WSR 07-11-067
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 07-82—Filed May 14, 2007, 2:51 p.m., effective May 21, 2007,
12:01 a.m.]

Effective Date of Rule: May 21, 2007, 12:01 a.m.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-25500K; and amending WAC 220-56-255.

Statutory Authority for Adoption: RCW 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: Canary and yelloweye rockfish are two of eight overfished groundfish stocks that are managed under rebuilding plans by the Pacific Fishery Management Council. The Pacific Council has adopted harvest guidelines for canary rockfish for state recreational fisheries to ensure that rebuilding goals are achieved. Depth restrictions adopted in 2006 were effective in avoiding early canary and yelloweye rockfish harvest guideline attainment. This rule conforms to federal action taken by Pacific Fishery Management Council. There is insufficient time to promulgate permanent rules.

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

Number of Sections Adopted at 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: May 14, 2007.

J. P. Koenings
Director

NEW SECTION

WAC 220-56-25500L Halibut—Seasons—Daily and possession limits. (1) Notwithstanding the provisions of WAC 220-56-255, effective immediately until further notice, it is unlawful to fish for or possess halibut taken for personal use, except as provided in this section:

(a) Catch Record Card Area 1 - Open until further notice. By-catch restriction: It is unlawful during any vessel trip to bring into port or land bottomfish except sablefish or Pacific Cod if the vessel has brought halibut into port or landed halibut during that trip.

(b) Catch Record Card Area 2 - Closed.

(c) Catch Record Card Areas 3 and 4 - Open until further notice, except closed to fishing for halibut 12:01 a.m. each Sunday through 11:59 p.m. each Monday; 12:01 a.m. through 11:59 p.m. each Wednesday; and 12:01 a.m. through 11:59 p.m. each Friday. The following area southwest of Cape Flattery is closed to fishing for halibut at all times:

Beginning at 4°8'18"N., 125°18'W.; thence to 48°18'N., 124°59'W.; thence to 48°11'N., 124°59'W.; thence to 48°11'N., 125°11'W.; thence to 48°04'N., 125°11'W.; thence to 48°04'N., 124°59'W.; thence to

48°N., 124°59'W.; thence to
48°N., 125°18'W.; thence to point of origin.

(i) Effective May 21, 2007, until further notice, on days when halibut fishing is closed in Catch Record Card Areas 3 and 4 it is unlawful to fish for or possess rockfish and lingcod seaward of a line approximating the 20-fathom depth contour as defined by the following coordinates:

48° 23.9'N.; 124° 44.2'W.
48° 23.6'N.; 124° 44.9'W.
48° 18.6'N.; 124° 43.6'W.
48° 18.6'N.; 124° 48.2'W.
48° 10.0'N.; 124° 48.8'W.
48° 02.4'N.; 124° 49.3'W.
47° 37.6'N.; 124° 34.3'W.
47° 31.7'N.; 124° 32.4'W.

(d) Catch Record Card Areas 6 through 11 and Catch Record Card Area 13 - Open through June 16, 2007, except closed to fishing for halibut 12:01 a.m. of each Tuesday through 11:59 p.m. of each Wednesday.

(e) Catch Record Card Area 5 - Open May 24, 2007, until further notice, except closed to fishing for halibut 12:01 a.m. of each Tuesday through 11:59 p.m. of each Wednesday.

(f) Daily limit one halibut. The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit.

REPEALER

The following section of the Washington Administrative code is repealed:

WAC 220-56-25500K Halibut—Seasons—Daily
and possession limits. (07-
77)

WSR 07-11-068
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 07-83—Filed May 14, 2007, 2:52 p.m., effective May 18, 2007,
12:01 a.m.]

Effective Date of Rule: May 18, 2007, 12:01 a.m.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900G; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: This emergency rule is necessary to assure a safe and successful event. Closing the lake will ensure safety for the public as well as the event partici-

pants and ensure fish are available for the juvenile fishing event. There is insufficient time to promulgate permanent rules.

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

Number of Sections Adopted at 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: May 14, 2007.

J. P. Keonings [Koenings]
Director

NEW SECTION

WAC 232-28-61900G Exceptions to statewide rules—Kress Lake (Cowlitz Co.) Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. May 18 through 6:00 p.m. May 20, 2007, it is unlawful to fish in those waters of Kress Lake, except open to fishing 9:00 a.m. to 3:00 p.m. May 20, 2007 to juvenile anglers participating in the juvenile and Safety Day Event.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. May 20, 2007:

WAC 232-28-61900G Exceptions to statewide
rules—Kress Lake

WSR 07-11-069
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 07-84—Filed May 14, 2007, 2:53 p.m., effective May 14, 2007, 3:00
p.m.]

Effective Date of Rule: May 14, 2007, 3:00 p.m.

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

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-03000C; and amending WAC 220-33-030.

Statutory Authority for Adoption: RCW 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 2005-2007 Interim Management Agreement For Upriver Chinook, Sockeye, Steelhead, Coho & White Sturgeon (May 11, 2005) (Doc. No. 2407); *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: 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 2005-2007 Interim Management Agreement For Upriver Chinook, Sockeye, Steelhead, Coho & White Sturgeon (May 11, 2005) (Doc. No. 2407).

Some Columbia River Basin salmon and steelhead stocks are listed as threatened or endangered under the federal Endangered Species Act. The National Marine Fisheries Service has issued biological opinions under 16 U.S.C. § 1536 that allow for some incidental take of these species in treaty and nontreaty Columbia River fisheries. The Washington and Oregon fish and wildlife commissions have developed policies to guide the implementation of these 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 Endangered Species Act (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.

Opens the Area 2S area shad fishery. Harvestable numbers of shad are expected in 2007. Incidental impacts to non-target species are small and are included in the biological opinion for the 2005-2007 management agreement. This rule is consistent with actions of the Columbia River compact hearing of January 25, 2007, and is consistent with requirements of the ESA. There is insufficient time to promulgate permanent regulations.

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 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: May 14, 2007.

Loreva M. Preuss
for Jeff Koenings
Director

NEW SECTION

WAC 220-33-03000C Commercial shad—Columbia River. Notwithstanding the provisions of WAC 220-33-030, it is unlawful to take, fish for or possess shad taken for commercial purposes except as provided for in this section:

Area: **Area 2S.** True north/south line through Light #50 near the mouth of the Sandy River upstream to the commercial fishing boundary near Beacon Rock.

Dates: Daily, 3:00 p.m. to 10:00 p.m. from:

May 14 - May 18, 2007

May 21 - May 25, 2007

May 29 - June 1, 2007

June 4 - June 8, 2007

June 11 - June 15, 2007

June 18 - June 22, 2007

Gear: Single-wall, unslackened, floater gill net, with breaking strength of less than 10 pounds.

Mesh size: 5 3/8 inches to 6 1/4 inches. The net may not exceed 150 fathoms in length nor 40 meshes in depth.

Allowable Sale: During the fishing periods provided in this section, only shad may be kept and sold. All salmonids, walleye and sturgeon must be immediately returned to the water and those alive must be released unharmed.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 10:01 p.m. June 23, 2007:

WAC 220-33-03000C Commercial shad—Columbia River.

WSR 07-11-070
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 07-85—Filed May 14, 2007, 2:54 p.m., effective May 14, 2007, 2:54 p.m.]

Effective Date of Rule: Immediately.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500R; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. The state recreational share of spot shrimp has been taken in Marine Areas 8-1 and 8-2. There is insufficient time to promulgate permanent rules.

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

Number of Sections Adopted at 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: May 14, 2007.

J. P. Koenings
 Director

NEW SECTION

WAC 220-56-32500S Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-56-325, effective immediately until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 8-1, 8-2, 9, 10, 11, and the Discovery Bay Shrimp District, except it is lawful to fish for or possess shrimp taken for personal use in all waters of Marine Area 10 from 7:00 a.m. to 3:00 p.m., May 16, 2007.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-32500R Shrimp—Areas and seasons
 (07-80)

WSR 07-11-087
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 07-86—Filed May 15, 2007, 4:08 p.m., effective May 16, 2007]

Effective Date of Rule: May 16, 2007.

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

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900D and 232-28-61900H; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 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 2005-2007 Interim Management Agreement For Upriver Chinook, Sockeye, Steelhead, Coho & White Sturgeon (May 11, 2005) (Doc. No. 2407); *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: The upriver spring chinook run is tracking close to the preseason forecast of 78,500 fish. With a projected run of this size, additional opportunity for sport fisheries in the Columbia River is available. The catch expectations for this fishery are conservative and impacts to ESA-listed fish will be within the guideline if the run size is less than the forecast of 78,500 fish. The season is consistent with Washington fish and wildlife commission guidance for 2006-2007. The extended season is expected to allow for harvest of hatchery chinook while minimizing impacts to ESA listed species. Rule is consistent with joint state actions of Washington (WDFW) and Oregon (ODFW) departments of fish and wildlife on May 15, 2007. There is insufficient time to promulgate permanent regulations.

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 2005-2007 Interim Management Agreement For Upriver Chinook, Sockeye, Steelhead, Coho & White Sturgeon (May 11, 2005) (Doc. No. 2407).

Some Columbia River Basin salmon and steelhead stocks are listed as threatened or endangered under the federal Endangered Species Act. The National Marine Fisheries Service has issued biological opinions under 16 U.S.C. § 1536 that allow for some incidental take of these species in treaty and nontreaty Columbia River fisheries. The Washington and Oregon fish and wildlife commissions have developed policies to guide the implementation of these 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 Endangered Species Act, and commission guidelines. Because conditions change rapidly, the fisheries are managed almost exclusively by emergency rule. Representatives from the WDFW and ODFW 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 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: May 15, 2007.

J. P. Koenings
Director

NEW SECTION

WAC 232-28-61900H Exceptions to statewide rules—Columbia River. Notwithstanding the provisions of WAC 232-28-619, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

1. **Columbia River:**

i. From the Rocky Point/Tongue Point line upstream to the I -5 Bridge (except for those waters closed under permanent regulations). Salmon and steelhead: Open May 16 through May 31, 2007. Daily limit 6 salmon, of which no

more than 2 may be adult salmon. Release all wild Chinook, wild coho, sockeye, and chum. Minimum size 12 inches. Daily limit 2 trout; release wild steelhead and wild cutthroat. Minimum size 12-inches.

ii. For the mainstem Columbia River salmon and steelhead fishery upstream of the Rocky Point/Tongue Point line, effective through June 15, 2007, salmon and steelhead required to be released may not be totally removed from the water, except that anglers fishing from vessels thirty feet or longer as shown on their state registration or Coast Guard documentation are exempt from this subsection.

REPEALER

The following section of the Washington Administrative Code is repealed effective May 16, 2007:

WAC 232-28-61900D Exceptions to statewide rules—Columbia River. (07-72)

The following section of the Washington Administrative Code is repealed effective June 16, 2007:

WAC 232-28-61900H Exceptions to statewide rules—Columbia River.

WSR 07-11-108 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 07-87—Filed May 17, 2007, 2:24 p.m., effective May 17, 2007, 2:24 p.m.]

Effective Date of Rule: Immediately.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500S; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. The state recreational share of spot shrimp has been taken in Marine Areas 8-1, 8-2, 9, 10 and 11. The Discovery Bay Shrimp District has been closed due to conservation concerns. There is insufficient time to promulgate permanent rules.

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

Number of Sections Adopted at 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: May 17, 2007.

Loreva M. Preuss
for Jeff Koenings
Director

NEW SECTION

WAC 220-56-32500T Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-56-325, effective immediately until further notice:

1) It is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 8-1, 8-2, 9, 10, 11, and the Discovery Bay Shrimp District.

(2) It is unlawful to fish for or possess shrimp taken for personal use in all waters of the Hood Canal Shrimp District (Marine Area 12), except open from 9:00 a.m. through 1:00 p.m., on May 23, 2007.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-32500S Shrimp—Areas and seasons (07-85)

**WSR 07-11-122
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 07-91—Filed May 21, 2007, 3:44 p.m., effective May 22, 2007]

Effective Date of Rule: May 22, 2007.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900J; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 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: In-season run analyses predict that 2,500 salmon are currently enroute to the Icicle River. Although upper Columbia spring chinook have been listed as

endangered under the Endangered Species Act, the salmon returning to the Icicle River are Carson River stock fish that are not listed as endangered. About 1,000 salmon are needed to meet hatchery broodstock needs. The quantity of salmon returning in 2007 ensures that the hatchery will meet their escapement needs; the remaining fish will be available for harvest. There is insufficient time to promulgate permanent rules.

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

Number of Sections Adopted at 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: May 21, 2007.

J. P. Koenings
Director

NEW SECTION

WAC 232-28-61900J Exceptions to statewide rules—Icicle River (Chelan Co.) Notwithstanding the provisions of WAC 232-28-619, effective May 22, through July 31, 2007, it is lawful to fish for salmon in those waters of the Icicle River from 500 feet downstream of the Leavenworth National Fish Hatchery Rack; downstream to a point 400 feet upstream of the mouth of the Icicle River. Daily limit, two salmon; minimum size, 12 inches. Night closure and non-buoyant lure restrictions in effect.

REPEALER

The following section of the Washington Administrative Code is repealed, effective August 1, 2007:

WAC 232-28-61900J Exceptions to statewide rules—Icicle River (Chelan Co.)

**WSR 07-11-123
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 07-90—Filed May 21, 2007, 3:45 p.m., effective May 21, 2007, 3:45 p.m.]

Effective Date of Rule: Immediately.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-25500L; and amending WAC 220-56-255.

Statutory Authority for Adoption: RCW 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 North Coast (Neah Bay and La Push) recreational halibut fishery is projected to attain its portion of the Pacific halibut quota. These rules conform to federal action by Pacific Fishery Management Council. There is insufficient time to promulgate permanent rules.

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

Number of Sections Adopted at 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: May 21, 2007.

J. P. Koenings
Director

NEW SECTION

WAC 220-56-25500M Halibut—Seasons—Daily and possession limits. (1) Notwithstanding the provisions of WAC 220-56-255, effective immediately until further notice, it is unlawful to fish for or possess halibut taken for personal use, except as provided in this section:

(a) Catch Record Card Area 1 - Open until further notice. By-catch restriction: It is unlawful during any vessel trip to bring into port or land bottomfish except sablefish or Pacific Cod if the vessel has brought halibut into port or landed halibut during that trip.

(b) Catch Record Card Area 2 - Closed.

(c) Catch Record Card Areas 3 and 4 - Closed until further notice.

(i) Effective immediately until further notice, in Catch Record Card Areas 3 and 4 it is unlawful to fish for or possess rockfish and lingcod seaward of a line approximating the 20-fathom depth contour as defined by the following coordinates:

48° 23.9' N.; 124° 44.2' W.

48° 23.6' N.; 124° 44.9' W.

48° 18.6' N.; 124° 43.6' W.

48° 18.6' N.; 124° 48.2' W.

48° 10.0' N.; 124° 48.8' W.

48° 02.4' N.; 124° 49.3' W.

47° 37.6' N.; 124° 34.3' W.

47° 31.7' N.; 124° 32.4' W.

(d) Catch Record Card Areas 6 through 11 and Catch Record Card Area 13 - Open through June 16, 2007, except closed to fishing for halibut 12:01 a.m. of each Tuesday through 11:59 p.m. of each Wednesday.

(e) Catch Record Card Area 5 - Open May 24, 2007, until further notice, except closed to fishing for halibut 12:01 a.m. of each Tuesday through 11:59 p.m. of each Wednesday.

(f) Daily limit one halibut. The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit.

REPEALER

The following section of the Washington Administrative code is repealed:

WAC 220-56-25500L	Halibut—Seasons—Daily and possession limits. (07-82)
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WSR 07-11-151 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 07-92—Filed May 22, 2007, 2:17 p.m., effective May 31, 2007, 12:01 a.m.]

Effective Date of Rule: May 31, 2007, 12:01 a.m.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-25500M; and amending WAC 220-56-255.

Statutory Authority for Adoption: RCW 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: There is sufficient halibut quota to reopen the North Coast (Neah Bay and LaPush) recreational halibut fishery for one day only. These rules conform to federal action by Pacific Fishery Management Council. There is insufficient time to promulgate permanent rules.

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

Number of Sections Adopted at 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: May 22, 2007.

Loreva M. Preuss
for Jeff Koenings
Director

NEW SECTION

WAC 220-56-25500N Halibut—Seasons—Daily and possession limits. (1) Notwithstanding the provisions of WAC 220-56-255, effective immediately until further notice, it is unlawful to fish for or possess halibut taken for personal use, except as provided in this section:

(a) Catch Record Card Area 1 - Open until further notice. By-catch restriction: It is unlawful during any vessel trip to bring into port or land bottomfish except sablefish or Pacific Cod if the vessel has brought halibut into port or landed halibut during that trip.

(b) Catch Record Card Area 2 - Closed.

(c) Catch Record Card Areas 3 and 4 - Open only 12:01 a.m. through 11:59 p.m. May 31, 2007. The following area southwest of Cape Flattery is closed to fishing for halibut at all times:

Beginning at 48°18' N., 125°18' W.; thence to 48°18' N., 124°59' W.; thence to 48°11' N., 124°59' W.; thence to 48°11' N., 125°11' W.; thence to 48°04' N., 125°11' W.; thence to 48°04' N., 124°59' W.; thence to 48° N., 124°59' W.; thence to 48° N., 125°18' W.; thence to point of origin.

(i) Effective immediately until further notice, on days when halibut fishing is closed in Catch Record Card Areas 3 and 4 it is unlawful to fish for or possess rockfish and lingcod seaward of a line approximating the 20-fathom depth contour as defined by the following coordinates:

48° 23.9' N.; 124° 44.2' W.
48° 23.6' N.; 124° 44.9' W.
48° 18.6' N.; 124° 43.6' W.
48° 18.6' N.; 124° 48.2' W.
48° 10.0' N.; 124° 48.8' W.
48° 02.4' N.; 124° 49.3' W.
47° 37.6' N.; 124° 34.3' W.
47° 31.7' N.; 124° 32.4' W.

(d) Catch Record Card Areas 6 through 11 and Catch Record Card Area 13 - Open through June 16, 2007, except closed to fishing for halibut 12:01 a.m. of each Tuesday through 11:59 p.m. of each Wednesday.

(e) Catch Record Card Area 5 - Open May 24, 2007, until further notice, except closed to fishing for halibut 12:01 a.m. of each Tuesday through 11:59 p.m. of each Wednesday.

(f) Daily limit one halibut. The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit.

REPEALER

The following section of the Washington Administrative code is repealed, effective 12:01 a.m. May 31, 2007:

WAC 220-56-25500M Halibut—Seasons—Daily and possession limits. (07-90)