

WSR 08-12-003
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 08-115—Filed May 23, 2008, 1:03 p.m., effective May 23, 2008,
1:03 p.m.]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-32500C; 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: Harvestable amounts of spot shrimp are available in Hood Canal for one Saturday and one weekday 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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 23, 2008.

Loreva M. Preuss
for Jeff Koenings
Director

NEW SECTION

WAC 220-56-32500D Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-56-325:

1) 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.

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 29, 2008 and May 31, 2008.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-32500C Shrimp—Areas and seasons
(08-109)

WSR 08-12-004
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 08-116—Filed May 23, 2008, 1:09 p.m., effective May 23, 2008,
1:09 p.m.]

Effective Date of Rule: Immediately.

Purpose: Amend fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-25500D; 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 enough halibut quota remaining to provide for this fishery in Marine Areas 3 and 4. This rule conforms to federal action taken by 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 23, 2008.

Loreva M. Preuss
for Jeff Koenings
Director

NEW SECTION

WAC 220-56-25500E 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, seven days a week.

(b) Catch Record Card Area 2 - Open until further notice, 12:01 a.m. through 11:59 p.m. on Sundays and Tuesdays only, except waters from 47°25.00'N. latitude (Queets River) south to 46°58.00'N latitude and east of 124°30.00'W longitude, open until further notice, 12:01 a.m. through 11:59 p.m., Fridays through Sundays and Tuesdays only.

(c) Catch Record Card Areas 3 and 4 - Open 12:01 a.m. through 11:59 p.m. May 29 and 12:01 a.m. through 11:59 p.m. May 31, 2008. 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 13, 2008, 12:01 a.m. through 11:59 p.m., Thursdays through Mondays only.

(e) Catch Record Card Area 5 - Open through July 21, 2008, 12:01 a.m. through 11:59 p.m., Thursdays through Mondays only.

(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 220-56-25500D	Halibut—Seasons—Daily and possession limits. (08-113)
-------------------	---

WSR 08-12-013
EMERGENCY RULES
SECRETARY OF STATE
(Elections Division)

[Filed May 27, 2008, 1:03 p.m., effective May 27, 2008, 1:03 p.m.]

Effective Date of Rule: Immediately.

Purpose: The purpose of these rules is to implement Initiative 872 for partisan public offices, and to administer political party precinct committee officer elections, for the 2008 primary and general elections.

Statutory Authority for Adoption: RCW 29A.04.611.

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: On March 18, 2008, the United States Supreme Court issued *Washington State Grange v. Washington State Republican Party, et al.* 552 U.S. ___, 128 S. Ct. 1184, 170 L. Ed. 2d 151 (2008). In this opinion, the court reversed a Ninth Circuit opinion that had declared Washington's top two primary system unconstitutional. The impact of this ruling is that the primary system enacted by Initiative 872 (chapter 2, Laws of 2005) is now in effect. This change in primary election systems necessitates changes in the administrative rules relating to the format of ballots, and administration of political party precinct committee officer elections. The regular candidate filing period ends June 6, 2008. Ballots will be formatted and sent to print in June. There is insufficient time to adopt these rules through the standard rule-making process.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 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 3, Amended 0, Repealed 0.

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

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

Date Adopted: May 27, 2008.

Steve Excell
Assistant Secretary of State

NEW SECTION

WAC 434-230-036 Office format for partisan offices. The description "partisan office" must be printed either for each partisan office or as a heading above a group of partisan offices.

NEW SECTION

WAC 434-230-100 Political party precinct committee officer. (1) In even-numbered years, the election for the position of political party precinct committee officer must be held on the third Tuesday of August.

(2) Unlike candidates for public partisan office, candidates for precinct committee officer file and appear on the ballot as members of a major political party. The election of precinct committee officer is an intraparty election. Candidates compete against other candidates from the same political party. The candidate of each political party who receives the most votes is declared elected. Precinct committee officers are not elected according to the top two primary system established by chapter 2, Laws of 2005 (Initiative 872).

(3) Unlike candidates for public office, the order in which candidates for precinct committee officer appear on the ballot is based on each candidate's political party. The

political party that received the highest number of votes from the electors of this state for the office of president at the last presidential election must appear first, with the other political parties following according to the number of votes cast for their nominees for president at the last presidential election. Within each party, candidates shall be listed in the order determined by lot.

(4) If no candidate files for political party precinct committee officer, the position appears on the ballot with a write-in line. There is no special filing period, the political party does not appoint a candidate, and the election does not lapse. If no candidate is elected, the party may fill the position by appointment, pursuant to RCW 29A.28.071.

(5)(a) The position of political party precinct committee officer must appear following all measures and public offices.

(b) The heading must state, "election of political party precinct committee officer."

(c) The following explanation must be provided before the list of candidates: "Precinct committee officer is a position in each major political party. For this office only: If you consider yourself a democrat or republican, you may vote for a candidate of that party."

(d)(i) If all candidates are listed under one heading, the applicable major political party affiliation of either "democratic party candidate" or "republican party candidate" must be printed under each candidate's name. The first letter of each word must be capitalized, as shown in the following example:

John Smith

Democratic Party Candidate

The race must explain, "for a write-in candidate, include party."

(ii) If candidates are listed under a major political party heading, the applicable heading of either "democratic party candidates" or "republican party candidates" must be printed above each group of candidates. The first letter of each word must be capitalized. A write-in line must be provided for each political party heading.

(6) A voter may vote for only one candidate for precinct committee officer. If a voter votes for more than one candidate, the votes must be treated as overvotes. For the limited purpose of voting in a precinct committee officer election, a voter affiliates with a major political party when he or she votes for a candidate of that party.

NEW SECTION

WAC 434-262-075 Election of political party precinct committee officers. (1) The election of political party precinct committee officers is not conducted according to a top two primary established by chapter 2, Laws of 2005 (Initiative 872). The candidate of each political party who receives the most votes in the August primary election is declared elected.

(2) RCW 29A.80.051 includes a requirement that, to be declared elected, a candidate for precinct committee officer must receive at least ten percent of the number of votes cast for a candidate of the same party who received the most votes in the precinct. This requirement for election is not in effect

because candidates for public office do not represent a political party.

WSR 08-12-014 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 08-117—Filed May 27, 2008, 1:05 p.m., effective May 27, 2008, 1:05 p.m.]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500D; 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: The state recreational share of spot shrimp has been taken in the northern portion of Marine Area 7. 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 27, 2008.

Phil Anderson
for Jeff Koenings
Director

NEW SECTION

WAC 220-56-32500E Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-56-325:

1) Effective immediately until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 7, 8-1, 8-2, 9, 10, 11 and the Discovery Bay Shrimp District, except as provided for in this section.

a) Marine Area 7 south of a line from the Initiative 77 marker on Fidalgo Island to Point Colville on Lopey Island,

then south of a line from Davis Point on Lopez Island to Cattle Point on San Juan Island, then south of a line due west from Lime Kiln Point light to the international boundary is open to the harvest of all shrimp species.

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 29, 2008 and May 31, 2008.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-32500D Shrimp—Areas and seasons
(08-115)

WSR 08-12-017

EMERGENCY RULES

UNIVERSITY OF WASHINGTON

[Filed May 27, 2008, 3:56 p.m., effective May 27, 2008, 3:56 p.m.]

Effective Date of Rule: Immediately.

Purpose: To repeal from emergency rule status, new chapter 478-350 WAC, Alternative contracting process for the University of Washington.

Citation of Existing Rules Affected by this Order: Repealing chapter 478-350 WAC.

Statutory Authority for Adoption: RCW 28B.20.130.

Other Authority: University of Washington Board of Regent's Standing Orders, Chapter 1, Section 2.

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

Reasons for this Finding: Due to changed circumstances, an emergency no longer exists for these proposed rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 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 5.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 5 [0], Amended 0, Repealed 0 [5].

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 27, 2008.

Rebecca Goodwin Deardorff
Director of Rules Coordination

REPEALER

The following chapter of the Washington Administrative Code is repealed:

Chapter 478-350 WAC Alternative contracting process for the University of Washington.

WSR 08-12-020

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 08-120—Filed May 28, 2008, 3:31 p.m., effective June 1, 2008]

Effective Date of Rule: June 1, 2008.

Purpose: Amend fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900Q; 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: A punctuation error during the last rule change cycle changed the legal interpretation of the rule (WAC) and inadvertently closed the lower North Fort Tieton River to all fishing downstream of Clear Lake Dam. This was not the intent of the permanent rule change adopted by the fish and wildlife commission in February. The 2008-09 fishing rule pamphlet reflects this error and shows the river downstream of Clear Lake Dam as closed. This emergency rule change temporarily corrects the problem for the 2008 fishing season until a permanent "housekeeping" correction can be adopted during the 2009-10 "minor" rule change cycle. 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 28, 2008.

Loreva M. Preuss
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-61900Q Exceptions to statewide rules—Tieton River, North Fork (Yakima County). Notwithstanding the provisions of WAC 232-28-619, effective June 1 through August 15, 2008, a person may fish for game fish in waters of the North Fork Tieton River, from Rimrock Lake to within 400' of Clear Lake Dam, including that portion of the river that flows through the dry lakebed. Statewide rules apply. Closed waters: Clear Lake spillway channel, and the North Fork Tieton River within 400' of Clear Lake Dam.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 16, 2008:

WAC 232-28-61900Q Exceptions to statewide rules—Tieton River, North Fork (Yakima County).

**WSR 08-12-032
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 08-97—Filed May 29, 2008, 4:15 p.m., effective June 1, 2008]

Effective Date of Rule: June 1, 2008.

Purpose: Amend fishing rules.

Citation of Existing Rules Affected by this Order:
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: Preliminary efforts to provide a salmon fishery based on triploid summer chinook stocking have been successful. Information concerning abundance and fish origin is needed to guide future management decisions. Sampling of salmon caught in the sport fishery is designed to provide this information. 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 0.

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

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

Date Adopted: May 29, 2008.

Phil Anderson
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-61900I Exceptions to statewide rules—Lake Chelan (Chelan Co.) Notwithstanding the provisions of WAC 232-28-619, effective June 1, 2008, until further notice, a person may fish for salmon in waters of Lake Chelan, except closed within 400 feet of the mouth of all tributaries. Daily limit of one Chinook salmon, minimum size 15 inches in length.

**WSR 08-12-033
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 08-124—Filed May 29, 2008, 4:41 p.m., effective June 1, 2008, 11:59 p.m.]

Effective Date of Rule: June 1, 2008, 11:59 p.m.

Purpose: Amend fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-25500E; 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: It is expected that the remaining halibut quota for Marine Area 1 will be taken by June 1, 2008. This rule conforms to federal action taken by 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 29, 2008.

Phil Anderson
for Jeff Koenings
Director

NEW SECTION

WAC 220-56-25500F 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 2 - Open until further notice, 12:01 a.m. through 11:59 p.m. on Sundays and Tuesdays only, except waters from 47°25.00'N. latitude (Queets River) south to 46°58.00'N latitude and east of 124°30.00'W longitude, open until further notice, 12:01 a.m. through 11:59 p.m., Fridays through Sundays and Tuesdays only.

(b) Catch Record Card Areas 6 through 11 and Catch Record Card Area 13 - Open through June 13, 2008, 12:01 a.m. through 11:59 p.m., Thursdays through Mondays only.

(c) Catch Record Card Area 5 - Open through July 21, 2008, 12:01 a.m. through 11:59 p.m., Thursdays through Mondays only.

(d) 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 11:59 p.m. June 1, 2008:

WAC 220-56-25500E Halibut—Seasons—Daily and possession limits. (08-116)

**WSR 08-12-034
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 08-121—Filed May 29, 2008, 4:42 p.m., effective June 1, 2008]

Effective Date of Rule: June 1, 2008.

Purpose: Amend fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900R; 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: The fishery is being extended because fishing in May has been very poor due to: (1) The late return of spring chinook to the Yakima River, and (2) high flows and turbidity from quickly melting snowpack. 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 29, 2008.

Phil Anderson
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-61900R Exceptions to statewide rules—Yakima River. (1) Notwithstanding the provisions of WAC 232-28-619, effective June 1 through June 30, 2008, a person may fish for salmon in waters of the Yakima River from the Interstate 182 bridge in Richland upstream to the SR 225 bridge at Benton City and from the Interstate 82 bridge at Union Gap upstream to 3,500 feet downstream of Roza Dam ("closed water" boundary markers).

(a) Daily limit of two hatchery salmon. Minimum size of 12 inches in length.

(b) Night closure in effect.

(c) One, single-pointed, barbless hook with a gap from point to shank of 3/4 inch or less required for all species.

REPEALER

The following section of the Washington Administrative Code is repealed effective July 1, 2008:

WAC 232-28-61900R Exceptions to statewide rules—Yakima River.

WSR 08-12-044
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 08-119—Filed May 30, 2008, 2:22 p.m., effective June 6, 2008]

Effective Date of Rule: June 6, 2008.

Purpose: Amend fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 232-28-61900P; 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 regulation is necessary to assure a successful juvenile fishing derby. Hundreds of trout will be stocked into Blackman's Lake; closing the lake prior to the event will ensure there are fish for participants to catch. 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 30, 2008.

J. P. Koenings
 Director

NEW SECTION

WAC 232-28-61900P Exceptions to statewide rules—Blackman's Lake (Snohomish Co.) Notwithstanding the provisions of WAC 232-28-619, effective 10:00 a.m. June 6 through 12:00 p.m. June 7, 2008, it is unlawful to fish in those waters of Blackman's Lake, except open to fishing 8:00 a.m. through 12:00 p.m. June 7, 2008 to juvenile anglers participating in the juvenile fishing derby.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 p.m. July 7, 2008:

WAC 232-28-61900P	Exceptions to statewide rules—Blackman's Lake (Snohomish Co.)
-------------------	---

WSR 08-12-047
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 08-122—Filed May 30, 2008, 3:28 p.m., effective June 1, 2008]

Effective Date of Rule: June 1, 2008.

Purpose: Amend fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 232-28-61900Z and 232-28-61900S; 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: Large numbers of hatchery spring chinook jacks have crossed Bonneville Dam. Based on passive integrated transponder (PIT) tag detections at the dam, there are an estimated 1,000 jacks of Wind River origin. In addition, good numbers of jacks have been found in the Wind River sport fishery. Increasing the daily limit from the current two hatchery salmon or hatchery steelhead will provide additional opportunity to harvest those fish. 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 30, 2008.

J. P. Koenings
 Director

NEW SECTION

WAC 232-28-61900S Exceptions to statewide rules—Wind River (Skamania Co.) Notwithstanding the provisions of WAC 232-28-619, effective June 1 through June 30, 2008, a person may fish for salmon in waters of the Wind River from mouth (boundary line/markers) to 400 feet below Shipherd Falls and from 100 feet above Shipherd Falls to boundary markers approximately 800 yards downstream of Carson National Fish Hatchery. Daily limit six salmon, of which no more than two may be adults; minimum size 12 inches. Daily limit two hatchery steelhead; minimum size 20 inches. 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. Closed waters from 400 feet below Coffey Dam to 100 feet above.

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 June 1, 2008:

WAC 232-28-61900Z Exceptions to statewide rules—Wind River (Skamania Co.)

The following section of the Washington Administrative Code is repealed effective July 1, 2008:

WAC 232-28-61900S Exceptions to statewide rules—Wind River (Skamania River)

WSR 08-12-048
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 08-123—Filed May 30, 2008, 3:30 p.m., effective June 1, 2008]

Effective Date of Rule: June 1, 2008.

Purpose: Amend fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900T; 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: Large numbers of hatchery spring chinook jacks have crossed Bonneville Dam and have been found in Drano Lake creel surveys. To date, more jacks have been counted at Bonneville Dam since at least 1976 with the exception of the year 2000. Jacks have comprised up to half the recent sport catch at Drano Lake. Increasing the daily limit from the current two hatchery salmon or hatchery steelhead will provide additional opportunity to harvest those fish. 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 30, 2008.

J. P. Koenings
Director

NEW SECTION

WAC 232-28-61900T Exceptions to statewide rules—Drano Lake (Skamania Co.) Notwithstanding the provisions of WAC 232-28-619, effective June 1 through June 30, 2008, a person may fish for salmon in waters of Drano Lake downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of Hwy. 14 Bridge, except closed June 4 and June 11. Daily limit six salmon, of which no more than two may be adults; minimum size 12 inches. Daily limit two hatchery steelhead; minimum size 20 inches. Night closure and non-buoyant lure restrictions in effect.

REPEALER

The following section of the Washington Administrative Code is repealed effective July 1, 2008:

WAC 232-28-61900T Exceptions to statewide rules—Drano Lake (Skamania Co.)

WSR 08-12-049
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 08-125—Filed May 30, 2008, 3:31 p.m., effective June 1, 2008]

Effective Date of Rule: June 1, 2008.

Purpose: Amend fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900V; 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 the recent years, spring chinook strays from the nearby select area fishery evaluation sites have been found in the system. These fish are not needed for broodstock. 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 30, 2008.

J. P. Koenings
Director

NEW SECTION

WAC 232-28-61900V Exceptions to statewide rules—Elochoman and Grays rivers. Notwithstanding the provisions of WAC 232-28-619:

(1) Effective June 1 through July 31, 2008, a person may fish for salmon in those waters of the Elochoman River from mouth to West Fork. Daily limit six salmon, of which no more than two may be adults; minimum size is 12 inches in length. Release all wild Chinook.

(2) Effective June 1 through July 31, 2008, a person may fish for salmon in those waters of the Grays River from the mouth to South Fork, and in West Fork Grays from the mouth to the hatchery intake/footbridge. Daily limit six salmon, of which no more than two may be adults; minimum size is 12 inches in length. Daily limit two hatchery steelhead; minimum size is 20 inches in length. Release all wild chinook and wild steelhead.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 1, 2008:

WAC 232-28-61900V Exceptions to statewide rules—Elochoman and Grays rivers.

**WSR 08-12-050
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 08-127—Filed May 30, 2008, 3:38 p.m., effective May 30, 2008, 3:38 p.m.]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04000W and 220-52-04000X; and amending WAC 220-52-040.

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: A thirty-day extension has been provided to help foster industry driven derelict crab pot recovery program. 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 30, 2008.

J. P. Koenings
Director

NEW SECTION

WAC 220-52-04000X Coastal crab fishery—Lawful and unlawful gear. (1) Notwithstanding the provisions of WAC 220-52-040, effective immediately through June 30, 2008, it is unlawful to remove, retrieve, or possess commercial crab gear belonging to another, except as provided in this section:

(a) Licensed Coastal Dungeness crab operators may retrieve and possess another's commercial crab gear under the following conditions: The license owner or designated alternate operator must first sign the 2008 Coastal Crab Gear Recovery Permission Letter indicating his or her intent to participate in the derelict-gear removal program. Owners of derelict commercial crab gear who want to allow license owners and designated alternate operators to retrieve the derelict gear also must sign the 2008 Coastal Crab Gear Recovery Permission Letter indicating this intent. The department will then compile an official list of all program participants. Licensed Dungeness crab operators must have aboard the vessel, when retrieving another's derelict commercial crab gear, a copy of this official list. Only commercial crab gear belonging to an individual whose name or buoy number is on the official list aboard the retrieving vessel can be retrieved.

(b) Licensed Coastal Dungeness crab operators may only retrieve and remove derelict commercial crab gear from the waters of the Pacific Ocean between the mouth of the Columbia River (46°15.00.N) and Point Chehalis, Washington (46°53.30.N).

(c) Licensed Coastal Dungeness crab operators who retrieve and remove derelict commercial crab gear must immediately record in their Washington Coastal Dungeness Crab logbook, by latitude and longitude, the location of each pot retrieved.

(d) Licensed Coastal Dungeness crab operators who retrieve and remove derelict commercial crab gear must attempt to contact the lawful owner and make arrangements to return the gear within six weeks of retrieving and removing the gear. If an operator cannot meet this deadline, or if no owner claims the gear or can be found, the operator must call department biologist Brandon Bryant at (360) 249-4628, extension 229, by the end of the seventh week after retrieving and removing the gear.

(2) Coastal commercial Dungeness license owners and designated alternate operators must return all original copies of the 2008 Coastal Crab Gear Recovery Permission Letter by June 1, 2008, to WDFW's Region 6 Office, 48 Devonshire Rd, Montesano, WA. 98563.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-04000W Coastal crab fishery—Lawful and unlawful gear.

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 1, 2008:

WAC 220-52-04000X Coastal crab fishery—Lawful and unlawful gear.

**WSR 08-12-051
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 08-126—Filed May 30, 2008, 3:43 p.m., effective June 1, 2008, 12:01 a.m.]

Effective Date of Rule: June 1, 2008, 12:01 a.m.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500E; 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: The state recreational share of spot shrimp has been taken in the southern portion of Marine Area 7. Harvestable amounts of nonspot shrimp are available in several marine areas, and the depth restrictions and area closures are in effect to protect spot shrimp. 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; and 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 30, 2008.

J. P. Koenings
Director

NEW SECTION

WAC 220-56-32500F Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-56-325:

1) Effective immediately until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 7 and 13, except as provided for in this section.

a) Marine Area 7 north of a line from the Biz Point on Fidalgo Island to Cape Saint Mary on Lopez Island, then north of a line from Davis Point on Lopez Island to Cattle Point on San Juan Island, then north of a line due west from Lime Kiln Point light to the international boundary:

i) Open to the harvest of all shrimp species except Spot shrimp. It is unlawful to possess Spot shrimp, and all Spot shrimp must immediately be returned to the water unharmed.

ii) It is unlawful to set or pull shrimp gear in waters greater than 200 feet deep.

b) Marine Area 13 is open to the harvest of all shrimp species except Spot shrimp. It is unlawful to possess Spot shrimp, and all Spot shrimp must immediately be returned to the water immediately unharmed.

2) Effective immediately until further notice, all waters equal to or less than 150 feet in depth in Marine Areas 8-1, 8-2, 9 and 11 are open to the harvest of all shrimp species except Spot shrimp. All Spot shrimp caught must be returned to the water immediately. It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. May 31, 2008:

WAC 220-56-32500E Shrimp—Areas and seasons (08-117)

WSR 08-12-080
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 08-132—Filed June 3, 2008, 4:31 p.m., effective June 3, 2008, 4:31 p.m.]

Effective Date of Rule: Immediately.

Purpose: Amend fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500F; 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: A harvestable amount of spot shrimp is available in Hood Canal for one weekday fishery. Harvestable amounts of nonspot shrimp are available in several marine areas, and the depth restrictions and area closures are in effect to protect spot shrimp. 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: June 3, 2008.

Loreva M. Preuss
for Jeff Koenings
Director

NEW SECTION

WAC 220-56-32500G Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-56-325:

1) Effective immediately until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 7 and 13, except as provided for in this section.

a) Marine Area 7 north of a line from the Biz Point on Fidalgo Island to Cape Saint Mary on Lopez Island, then north of a line from Davis Point on Lopez Island to Cattle Point on San Juan Island, then north of a line due west from Lime Kiln Point light to the international boundary:

i) Open to the harvest of all shrimp species except Spot shrimp. It is unlawful to possess Spot shrimp, and all Spot shrimp must immediately be returned to the water unharmed.

ii) It is unlawful to set or pull shrimp gear in waters greater than 200 feet deep.

b) Marine Area 13 is open to the harvest of all shrimp species except Spot shrimp. It is unlawful to possess Spot shrimp, and all Spot shrimp must immediately be returned to the water unharmed.

2) Effective immediately until further notice, all waters equal to or less than 150 feet in depth in Marine Areas 8-1, 8-2, 9 and 11 are open to the harvest of all shrimp species except Spot shrimp. All Spot shrimp caught must be returned to the water immediately. It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

3) 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 from 9:00 a.m. through 1:00 p.m. on June 11, 2008.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-32500F	Shrimp—Areas and seasons (08-126)
-------------------	--------------------------------------

WSR 08-12-093
EMERGENCY RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed June 4, 2008, 9:03 a.m., effective June 4, 2008, 9:03 a.m.]

Effective Date of Rule: Immediately.

Purpose: These rule revisions will update the calculation of the K-12 staff ratio compliance for state funding purposes. These revisions will provide a more fair and appropriate methodology to calculate the K-12 staff-per-student ratio compliance for school districts that provide students instruction pursuant to a contract with a college or university.

Citation of Existing Rules Affected by this Order: Amending WAC 392-127-015.

Statutory Authority for Adoption: RCW 28A.150.290.

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

Reasons for this Finding: This rule is being applied to the current 2007-08 school year for school districts that provide students instruction pursuant to a contract with a college or university. Without the relief provided in the rule revisions, school districts, and subsequently the contracted colleges and universities, will be unduly penalized in the state K-12 funding formula if they provide this instruction.

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 0, Repealed 0.

Date Adopted: June 4, 2008.

Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending WSR 00-02-064, filed 1/3/00, effective 2/3/00)

WAC 392-127-015 FTE enrollment—Definition. As used in this chapter, "full-time equivalent enrollment" means for the period selected by a school district, the total full-time equivalent students reported by a school district pursuant to WAC 392-121-122 excluding:

(1) Running start and University of Washington transition school students reported (~~(pursuant to subsections)~~ under WAC 392-121-122 (3) and (4) (~~(of that section)~~); and

(2) Students that are being served pursuant to a contract under WAC 392-121-188 with a higher education institution when the staff serving the students are not reported on the school district's S-275 report for the time of instruction.

**WSR 08-12-096
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed June 4, 2008, 9:10 a.m., effective June 4, 2008, 12:00 p.m.]

Effective Date of Rule: June 4, 2008, 12:00 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 220-33-01000H and 220-33-01000I; and amending WAC 220-33-010.

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, Steel-

head, 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: Prohibits the sale of sturgeon in SAFE fisheries for the remainder of the spring/summer season effective noon on June 4, 2008. The 300 sturgeon allocated to these fisheries is expected to be reached. Impacts to ESA-listed stocks in these fisheries are covered under the biological opinion for the 2008-2017 management agreement. Season is consistent with Washington fish and wildlife commission guidance for 2006-2008 sturgeon fishery management. This rule is consistent with actions of the Columbia River compact hearings of February 15, April 24, and June 3, 2008. This rule conforms Washington and Oregon state rules. 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).

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 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 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: June 4, 2008.

Loreva M. Preuss
for Jeff Koenings
Director

NEW SECTION

WAC 220-33-01000I 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 for a person to take or possess salmon, sturgeon, and shad for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except during the times and conditions listed:

1. **Blind Slough** Select Area

a) Area: Blind Slough and Knappa Slough areas. The lower boundary of the Knappa Slough fishing area is extended downstream to boundary lines defined by markers on the west end of Minaker Island to markers on Karlson Island and the Oregon shore (fall boundary). Concurrent Washington/Oregon waters extend downstream of the railroad bridge.

b) Dates: 7:00 p.m. Mondays to 7:00 a.m. Tuesdays, and 7:00 p.m. Thursdays to 7:00 a.m. Fridays immediately through June 13, 2008.

c) Gear: 8-inch maximum mesh. Nets are restricted to 100 fathoms in length, with no weight restriction on leadline. Use of additional weights or anchors attached directly to the leadline is allowed.

d) Allowable sales: salmon and shad. Sturgeon sales are prohibited

2. **Deep River** Select Area

a) Area: From the markers at USCG navigation marker #16, upstream to the Highway 4 Bridge.

b) Dates: 7:00 p.m. Mondays to 7:00 a.m. Tuesdays, and 7:00 p.m. Thursdays to 7:00 a.m. Fridays immediately through June 13, 2008.

c) Gear: 8-inch maximum. Nets are restricted to a maximum length of 100 fathoms with no weight restriction on leadline. Use of additional weights or anchors attached directly to the leadline is allowed. Nets cannot be tied off of any stationary structures. Nets may not fully cross the navigation channel.

d) Allowable sales: salmon and shad. Sturgeon sales are prohibited.

e) Miscellaneous: Transportation or possession of fish outside the fishing area (except to the sampling station) is unlawful until department staff has biologically sampled individual catches. After sampling, fishers will be issued a transportation permit by agency staff.

3. **Tongue Point/South Channel** Select Area

a) Area: Reduced Tongue Point and South Channel areas open entire season. The reduced Tongue Point fishing

area includes all waters bounded by a line extended from the upstream (southern most) pier (#1) at the Tongue Point Job Corps facility through navigation marker #6 to Mott Island, a line from a marker at the southeast end of Mott Island northeasterly to a marker on the northwest tip of Lois Island, and a line from a marker on the southwest end of Lois Island westerly to a marker on the Oregon shore. The South Channel area includes all waters bounded by a line from a marker on John Day Point, through the green USCG buoy #7 to a marker on the southwest end of Lois Island, upstream to an upper boundary line from a marker on Settler Point, northwesterly to the flashing red USCG marker #10, northwesterly to a marker on Burnside Island defining the upstream terminus of South Channel.

b) Dates: 7:00 p.m. Mondays to 7:00 a.m. Tuesdays, and 7:00 p.m. Thursdays to 7:00 a.m. Fridays from April 28 through June 13, 2008.

c) Gear: In the reduced Tongue Point fishing area, gear restricted to 8-inch maximum mesh size, maximum net length of 250 fathoms, and weight not to exceed two pounds on any one fathom. In the South Channel fishing area, gear restricted to 8-inch maximum mesh size, maximum net length of 100 fathoms, and no weight restriction on leadline.

d) Additional gear regulations: Multiple Net Rule: It will be legal to have onboard a commercial vessel more than one net, provided the nets are of a mesh size legal for the fishery, or the net has a minimum mesh size of 9 inches, and the length of any one net does not exceed 1,500 feet in length.

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

e) Allowable sales: salmon and shad. Sturgeon sales are prohibited.

f) Fishers are required to call 503-325-3418 and leave a message including name, catch, and location and time for sale of fish caught.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:00 p.m. June 4, 2008:

WAC 220-33-01000H Columbia River seasons below Bonneville. (08-106)

The following section of the Washington Administrative Code is repealed effective June 14, 2008:

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

WSR 08-12-102
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 08-128—Filed June 4, 2008, 9:50 a.m., effective June 4, 2008, 9:50 a.m.]

Effective Date of Rule: Immediately.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900W; 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: 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. This emergency rule is necessary to comply with agreed-to management plans, and is 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: June 4, 2008.

Loreva M. Preuss
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-61900W Exceptions to statewide rules—Tilton River (Lewis Co.) Notwithstanding the provisions of WAC 232-28-619, effective immediately through July 31, 2008, a person may fish for salmon in waters of the Tilton River from the mouth to West Fork. Daily limit six salmon, of which no more than two may be adults; minimum size 8 inches. Release wild coho.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 1, 2008:

WAC 232-28-61900W Exceptions to statewide rules—Tilton River (Lewis Co.)

WSR 08-12-104
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 08-129—Filed June 4, 2008, 9:58 a.m., effective June 4, 2008, 9:58 a.m.]

Effective Date of Rule: Immediately.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: 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: 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. This emergency rule is necessary to comply with agreed-to management plans, and is 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 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 4, 2008.

Loreva M. Preuss
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-61900X Exceptions to statewide rules—White Salmon River. Notwithstanding the provisions of WAC 232-28-619:

(1) Effective immediately through June 30, 2008, a person may fish for salmon and steelhead in those waters of the White Salmon River from markers on the east and west shores, and when buoys are in place, southerly to the buoy and east-west between the buoys to the powerhouse. Daily limit two salmon or hatchery steelhead or one of each; release wild Chinook. Minimum size for salmon is 12 inches.

(2) Effective immediately through June 15, 2008, a person may fish for salmon and steelhead in those waters of the White Salmon River from the powerhouse to 400 feet downstream of Northwestern Dam. Daily limit of two salmon or hatchery steelhead or one of each; release wild Chinook. Minimum size for salmon is 12 inches.

(3) Effective July 1, 2008, until further notice, a person may fish for salmon in those waters of the White Salmon River from markers on the east and west shores, and when buoys are in place, southerly to the buoy and east-west between the buoys to the powerhouse. Daily limit six salmon of which no more than two may be adults; release wild Chinook jacks and wild coho. Minimum size is 12 inches.