

WSR 17-13-001
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 17-111—Filed June 7, 2017, 12:02 p.m., effective June 7, 2017,
12:02 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend rules in the Puget Sound recreational shrimp fishery.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-330-07000B; and amending WAC 220-330-070.

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

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

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage the fishery within court-ordered sharing requirements, and ensure conservation. Sufficient amounts of spot shrimp remain available in Marine Area 12 to allow one more day of fishing. Opening the shrimp fishery for one additional day will provide additional harvest opportunity. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 7, 2017.

J. W. Unsworth
Director

NEW SECTION

WAC 220-330-07000C Shrimp—Areas and seasons.

Notwithstanding the provisions of WAC 220-330-070, effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 4 (east of the east of the Bonilla-Tatoosh line), 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, 13 and the Discovery Bay Shrimp District, except as provided for in this section:

(1) Marine Areas 4 (east of the Bonilla-Tatoosh line), 5, 6 (excluding the Discovery Bay Shrimp District) and 7 West are open to the harvest of all shrimp species.

(2) All waters equal to or less than 200 feet in depth in Marine Area 7 East are open to the harvest of all shrimp species except spot shrimp. All spot shrimp caught must be immediately returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 200 feet deep.

(3) 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 immediately returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

(4) All waters equal to or less than 250 feet in depth in Marine Area 13 are open to the harvest of all shrimp species except spot shrimp. All spot shrimp caught must be immediately returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 250 feet deep.

(5) Marine Area 12: Open June 14, 2017, from 9:00 a.m. through 1:00 p.m.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-330-07000B Shrimp—Areas and seasons.
(17-100)

Reviser's note: The section above appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 220-56-330-07000B is probably intended to be WAC 220-330-07000B.

WSR 17-13-002
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 17-97—Filed June 7, 2017, 12:03 p.m., effective June 7, 2017, 12:03 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend commercial fishing rules to clarify salmon taken for personal use during a commercial fishery.

Citation of Existing Rules Affected by this Order: Amending WAC 220-354-030.

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

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

Reasons for this Finding: This emergency rule is needed to clarify limits for salmon taken for personal use during a

commercial salmon fishery. This rule will allow commercial fishermen to take home a daily limit of three salmon for personal use. The department of fish and wildlife will file a pre-proposal to begin the permanent rule 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 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 7, 2017.

J. W. Unsworth
Director

NEW SECTION

WAC 220-354-03000A Sale and purchase of commercial caught salmon. Notwithstanding the provisions of WAC 220-354-030, effective immediately until further notice the following rules apply:

(1) It is unlawful for any person licensed to take salmon for commercial purposes as required under chapter 77.65 RCW to:

(a) Retain for personal use more than three salmon per landing and delivery, regardless of species, provided that:

(i) The commercial season is open for the species taken and;

(ii) The fish retained are lawful to possess when taken by the gear type for which the person is licensed to fish

(iii) The daily limit and possession limit described in this subsection also apply to crew members of the licensed fishing vessel.

(b) Fail to report and document all salmon taken during a commercial fishery on state of Washington fish receiving tickets, including fish retained for personal use.

(c) Sell any salmon taken under such license to anyone other than a licensed wholesale fish dealer located within or outside the state of Washington: Except that a person who is licensed as a wholesale fish dealer under the provisions of RCW 77.65.280 may sell his catch to individuals or corporations other than licensed wholesale fish dealers.

(d) Sell, barter or attempt to sell or barter salmon eggs that have been removed from the body cavity of salmon unless all carcasses from which eggs have been removed are sold to the same buyer. This subsection does not apply to troll caught salmon or the eggs from such salmon.

(e) Discard salmon that may be lawfully retained except fishers may discard salmon that are unmarketable due to pinniped predation.

(2) It is unlawful for any person acting in the capacity as an original receiver to purchase or attempt to purchase salmon eggs without also purchasing all male and female salmon taken by the fisher, including the salmon carcasses from which the eggs were removed.

(3) Violation of subsection (1)(a) is punishable under RCW 77.15.550; Violation of commercial fishing area or time—Penalty.

(4) Violation of subsection (1)(b) is punishable under 77.15.280; Reporting of fish or wildlife harvest—Rules violation—Penalty.

(5) Violation of subsection (1)(c) is punishable under RCW 77.15.620; Engaging in fish dealing activity—Unlicensed—Penalty.

(6) Violation of subsection (1)(d) and (2) are punishable under RCW 77.15.260; Unlawful trafficking in fish, shellfish, or wildlife—Penalty.

(7) Violation of subsection (1)(e) is punishable under RCW 77.15.170; Waste of fish and wildlife—Penalty

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

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

WSR 17-13-007
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 17-115—Filed June 8, 2017, 12:03 p.m., effective June 16, 2017]

Effective Date of Rule: June 16, 2017.

Purpose: Amend recreational fishing rules for the Columbia River.

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

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

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

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

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

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

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

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

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

Date Adopted: June 8, 2017.

J. W. Unsworth
Director

NEW SECTION

WAC 220-312-06000I Exceptions to statewide rules—Columbia River. Notwithstanding the provisions of WAC 220-312-060:

(1) From McNary Dam to Hwy. 395 Bridge at Pasco:

(a) Effective June 16 through July 31, 2017; salmon and steelhead: daily limit of 6, up to 2 may be adult salmon or 1 adult salmon and 1 hatchery steelhead. Release all salmon other than hatchery chinook and sockeye.

(b) Effective August 1 through September 15, 2017; salmon and steelhead: daily limit of 6, up to 2 may be adult salmon or 1 adult salmon and 1 hatchery steelhead. Release all salmon other than chinook and coho.

(c) All species: night closure except for anglers enrolled in the Pikeminnow Reward Program and targeting pikeminnow.

(2) From the Highway 395 Bridge at Pasco to the Interstate 182 Bridge in Richland:

(a) Effective June 16 through August 15, 2017; daily limit of 4 salmon, of which no more than 1 may be an adult hatchery chinook and no more than 2 may be sockeye. Release wild adult chinook.

(b) Effective August 16 through September 15, 2017; daily limit of 6 salmon, up to 2 may be adults.

(3) From the Interstate 182 Bridge in Richland to Priest Rapids Dam:

(a) Effective June 16 through August 15, 2017; daily limit of 6 salmon, of which no more than 2 may be adult hatchery chinook and no more than 3 may be sockeye. Release wild adult chinook.

(b) Effective August 16 through September 15, 2017; daily limit of 6 salmon, up to 2 may be adults.

REPEALER

The following section of the Washington Administrative Code is repealed effective September 16, 2017.

WAC 220-312-06000I Exceptions to statewide rules—Columbia River.

WSR 17-13-008

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 17-116—Filed June 8, 2017, 2:05 p.m., effective June 9, 2017]

Effective Date of Rule: June 9, 2017.

Purpose: Amend recreational fishing rules for the south fork Nooksack River.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-312-04000F; and amending WAC 220-312-040.

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

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

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

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

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

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

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

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

Date Adopted: June 8, 2017.

J. W. Unsworth
Director

NEW SECTION

WAC 220-312-04000F Freshwater exceptions to statewide rules—Puget Sound. Notwithstanding the provisions of WAC 220-312-040, effective June 9 through September 30, 2017, it is unlawful to fish in those waters of the South Fork Nooksack River from the mouth to Skookum Creek.

REPEALER

The following section of the Washington Administrative Code is repealed effective October 1, 2017:

WAC 220-312-04000F Freshwater exceptions to statewide rules—Puget Sound.

WSR 17-13-015
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 17-107—Filed June 9, 2017, 2:45 p.m., effective June 16, 2017]

Effective Date of Rule: June 16, 2017.

Purpose: Amend recreational freshwater fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-312-06000F; and amending WAC 220-312-030, 220-312-050, and 220-312-060.

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

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

Reasons for this Finding: These emergency rules are needed to apply restrictions to protect wild steelhead listed under the Endangered Species Act and to ensure enough hatchery steelhead return to meet escapement goals. The pre-season forecast indicates approximately one hundred thirty thousand, seven hundred summer run steelhead will return to the Columbia River this year, the lowest number since 1980. There is insufficient time to adopt permanent rules.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 3, 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 9, 2017.

J. W. Unsworth
Director

NEW SECTION

WAC 220-312-03000D Freshwater exceptions to statewide rules—Southwest. Notwithstanding the provi-

sions of WAC 220-312-030, effective June 16, 2017, until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

(1) Cowlitz River from boundary markers at the mouth upstream to the Lexington Drive Bridge/Sparks Road Bridge (Lewis Co.):

(a) Night closure in effect except for anglers enrolled in the Pikeminnow Sport-Reward Program and actively fishing for pikeminnow.

(b) Through July 31, only 1 hatchery steelhead may be retained.

(c) Effective August 1 until further notice, release all steelhead.

(2) Drano Lake in the waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of the Highway 14 Bridge:

(a) Night closure in effect except for anglers enrolled in the Pikeminnow Sport-Reward Program and actively fishing for pikeminnow.

(b) Through July 31, only 1 hatchery steelhead may be retained.

(c) Effective August 1 until further notice, release all steelhead.

(3) Lewis River from the mouth upstream to the mouth of the East Fork Lewis River (Clark Co.):

(a) Night closure in effect except for anglers enrolled in the Pikeminnow Sport-Reward Program and actively fishing for pikeminnow.

(b) Through July 31, only 1 hatchery steelhead may be retained.

(c) Effective August 1 until further notice, release all steelhead.

(4) Wind River (Skamania Co.) from the mouth upstream to 400 feet below Shipherd Falls

(a) Night closure in effect except for anglers enrolled in the Pikeminnow Sport-Reward Program and actively fishing for pikeminnow.

(b) Through July 31, only 1 hatchery steelhead may be retained.

(c) Effective August 1 until further notice, release all steelhead.

NEW SECTION

WAC 220-312-05000K Freshwater exceptions to statewide rules—Eastside. Notwithstanding the provisions of WAC 220-312-050, effective June 16, 2017, until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

White Salmon River from the mouth upstream to the county road bridge below the former location of the powerhouse (Klickitat/Skamania Counties):

(a) Night closure in effect except for anglers enrolled in the Pikeminnow Sport-Reward Program and actively fishing for pikeminnow.

(b) Through July 31, only 1 hatchery steelhead may be retained.

(c) Effective August 1 until further notice, release all steelhead.

NEW SECTION

WAC 220-312-06000H Freshwater exceptions to statewide rules—Columbia. Notwithstanding the provisions of WAC 220-312-060, it is unlawful to violate the following provisions provided that unless otherwise amended, all permanent rules remain in effect:

(1) **Mainstem Columbia River from the Megler-Astoria Bridge upstream to The Dalles Dam**, effective June 16 until further notice:

(a) Night closure in effect except for anglers enrolled in the Pikeminnow Sport-Reward Program and actively fishing for pikeminnow.

(b) Through July 31, only 1 hatchery steelhead may be retained.

(c) Effective August 1 until further notice, release all steelhead.

(2) **Mainstem Columbia River from a true north-south line through Buoy 10 upstream to a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank**, effective August 1 until further notice:

(a) Night closure in effect except for anglers enrolled in the Pikeminnow Sport-Reward Program and actively fishing for pikeminnow.

(b) Release all steelhead.

REPEALER

The following section of the Washington Administrative Code is repealed effective June 16, 2017:

WAC 220-312-06000F Freshwater exceptions to statewide rules—Columbia River (17-91)

WSR 17-13-017
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 17-118—Filed June 9, 2017, 4:01 p.m., effective June 11, 2017]

Effective Date of Rule: June 11, 2017.

Purpose: Amend freshwater recreational fishing rules for the Skagit River.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-312-04000E and 220-312-04000G; and amending WAC 220-312-040.

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

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

Reasons for this Finding: A correction was needed to emergency filing WSR 17-12-043 filed on June 1, 2017. The department is in the process of adopting permanent rules that are necessary to implement the personal use fishing plans agreed-to with resource comanagers at the North of Falcon proceedings. These emergency rules are necessary to comply with agreed-to management plans, and are interim until permanent rules take effect.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 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 9, 2017.

J. W. Unsworth
Director

NEW SECTION

WAC 220-312-04000G Freshwater exceptions to statewide rules—Puget Sound. Notwithstanding the provisions of WAC 220-312-040, effective June 11 through July 15, 2017, it is permissible to fish for sockeye salmon in those waters of the Skagit River from the Hwy. 536 at Mt. Vernon (Memorial Hwy. Bridge) to mouth of Gilligan Creek.

(1) Closed on June 28, 29, July 6, 7, and 11, 2017, from the mouth to the Highway 530 Bridge at Rockport.

(2) Daily limit of three sockeye salmon.

(3) Night closure is in effect.

(4) Rescind: Selective Gear Rules and that it is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank, except anglers fishing for sturgeon may use single-point barbless hooks of any size.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-312-04000E Freshwater exceptions to statewide rules—Puget Sound. (17-101)

The following section of the Washington Administrative Code is repealed effective July 16, 2017:

WAC 220-312-04000G Freshwater exceptions to statewide rules—Puget Sound.

WSR 17-13-021**EMERGENCY RULES****THE EVERGREEN STATE COLLEGE**

[Filed June 12, 2017, 9:44 a.m., effective June 12, 2017, 9:44 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Establish rules prohibiting weapons on campus, college-owned property and at college-sponsored events.

Statutory Authority for Adoption: RCW 28B.40.120.

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: Over the last few weeks, The Evergreen State College has experienced disruption including harassing, intimidating and threatening behavior directed at members of the campus community. Some individuals have obstructed law enforcement representatives who had responded and were attempting to verify individuals' safety. College operations were suspended for two and a half days based on threats that included a threat to shoot people on campus. While the college has taken steps to increase safety during this tumultuous time, including increasing law enforcement presence on campus, the immediate prohibition of weapons is a necessary step to providing [provide] for safety on campus and at college-sponsored events.

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 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 12, 2017.

John Carmichael
Rules Coordinator

NEW SECTION

WAC 174-136-043 Weapons prohibited. (1) Possession or use of firearms, explosives, dangerous chemicals or other weapon is prohibited on the college campus, college owned property, and at college sponsored events, unless prior written approval has been obtained consistent with subsection (6).

(2) Firearm means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder, whether loaded or unloaded.

(3) Weapon includes, but is not limited to, air guns, pellet guns, paint ball guns, or other pneumatic propellant, dagger, sword, knife or other cutting or stabbing instrument with a blade longer than three inches, club, bat, sand club, metal knuckles, or any other object or instrument apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

(4) Possession of a valid concealed pistol license authorized by the state of Washington is not an exemption under this section. However, nothing in this section shall prevent an individual holding a valid concealed pistol license from securing their pistol in a vehicle as authorized under RCW 9.41.050.

(5) Only people who are authorized to carry firearms or other weapons as duly appointed and commissioned law enforcement officers in the state of Washington, or commissioned by agencies of the United States government, shall possess firearms or other weapons issued for their possession by their respective law enforcement agencies while on campus, college sponsored event, or other college-owned property. A law enforcement agent must notify Evergreen Police Services of his or her presence on campus on arrival.

(6) Individuals seeking to bring a firearm or other weapon onto campus, college-owned property, or a college sponsored event must obtain prior written authorization from Evergreen Police Services, or any other person designated by the president of the College. Evergreen Police Services, or authorized designees, shall review any such request and, if it is granted, may establish conditions to the authorization.

(7) Violations of the subsections of this section are subject to appropriate disciplinary or legal action including, but not limited to, exclusion from campus or expulsion.

WSR 17-13-025**EMERGENCY RULES****DEPARTMENT OF****FISH AND WILDLIFE**

[Order 17-109—Filed June 12, 2017, 2:23 p.m., effective July 1, 2017]

Effective Date of Rule: July 1, 2017.

Purpose: Amend recreational freshwater fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-312-030.

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

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

Reasons for this Finding: This emergency is needed to allow for fish to disperse, and to encourage an orderly fishery, it is necessary to establish small sanctuaries for fish around the release locations. These rules were adopted during

the 2017 North of Falcon process. There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: June 12, 2017.

Joe Stohr
for J. W. Unsworth
Director

NEW SECTION

WAC 220-312-03000E Freshwater exceptions to statewide rules—Southwest. Notwithstanding the provisions of WAC 220-312-030, effective July 1, 2017, until further notice, it is unlawful to violate the provisions below. Unless otherwise amended, all permanent rules remain in effect.

(1) **Tilton River:** Closed to all angling within posted 'Closed Waters' signs around the adult fish release site at Gust Backstrom Park.

(2) **Cowlitz River:** Closed to all angling within posted 'Closed Waters' signs around the adult fish release site in the upper Cowlitz near Packwood.

(3) **Cispus River:** Closed to all angling within posted 'Closed Waters' signs around the adult fish release site.

WSR 17-13-029
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 17-121—Filed June 13, 2017, 11:58 a.m., effective June 13, 2017, 11:58 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend commercial shrimping rules for Puget Sound.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-340-52000A; and amending WAC 220-340-520.

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

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

general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The 2017 state/tribal shrimp harvest management plans for the Strait of Juan de Fuca and Puget Sound require adoption of harvest seasons contained in this emergency rule. This emergency rule (1) lowers the weekly limit for nonspot shrimp in Shrimp Management Area 2E; (2) closes the pot fishery season for nonspot shrimp in Shrimp Management Area 2E on June 20, as the quota will be reached; and (3) opens the trawl fishery in Shrimp Management Area 1B-20B. There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: June 13, 2017.

J. W. Unsworth
Director

NEW SECTION

WAC 220-340-52000B Puget Sound shrimp pot and trawl fishery—Season. Notwithstanding the provisions of WAC 220-340-520, effective immediately, until further notice, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) All waters of Shrimp Management Areas 1A, 1B, 1C, 2E, 2W and 3 are open to the harvest of all non-spot shrimp species, effective immediately, until further notice, except as provided for in this section:

(i) In Marine Fish/Shellfish Management and Catch Reporting Area (Catch Area) 22A, all waters inside and bounded by a line projected from Blakely Marina on the northwest corner of Blakely Island to Upright Head on Lopez Island, following the shoreline southerly on Lopez Island to intersect a line projected due west from Bald Bluff on Blakely Island, are closed until 6:00 a.m. June 16, 2017.

(ii) All waters of Catch Areas 23A-E, 23A-W, 23A-C and the Discovery Bay Shrimp District are closed.

(iii) All waters of Shrimp Management Area 1A north of a line projected at 48°.31.5' N latitude are closed.

(iv) Effective 6:00 p.m. June 20, 2017 all waters of Shrimp Management Area 2E are closed.

(b) Effective immediately, until further notice, it is unlawful for the combined total harvest of non-spot shrimp

by a fisher or the fisher's alternate operator to exceed 600 pounds per week from Shrimp Management Areas 1A, 1B, 1C, 2E and 2W combined, with the following exception:

(i) Effective immediately until 6:00 p.m. June 20, 2017, it is unlawful for the total harvest of non-spot shrimp by a fisher or the fisher's alternate operator to exceed 300 pounds per week in Shrimp Management Area 2E.

(c) Effective immediately, until further notice, the shrimp catch accounting week is Wednesday through Tuesday.

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

(2) Shrimp trawl gear:

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

(b) That portion of Catch Area 22A within SMA 1B is open.

(c) That portion of Catch Area 20B within SMA 1B is open effective 6:00 a.m. June 16, 2017, until further notice.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. June 13, 2017:

WAC 220-340-52000A Puget Sound shrimp pot and beam trawl fishery—Season. (17-82)

**WSR 17-13-033
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 17-124—Filed June 13, 2017, 1:26 p.m., effective June 16, 2017]

Effective Date of Rule: June 16, 2017.

Purpose: Amend recreational fishing rules for the Yakima River.

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

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

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

Reasons for this Finding: Yakama Nation and Washington department of fish and wildlife fishery managers are still forecasting a harvestable return of two thousand or more adult Cle Elum Hatchery spring Chinook to the Yakima River even though the run is extremely late this year. Opening a portion of the Yakima River for spring Chinook salmon

will provide additional fishing opportunity. There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: June 13, 2017.

June 13, 2017
J. W. Unsworth
Director

NEW SECTION

WAC 220-312-05000L Exceptions to statewide rules—Yakima River. Notwithstanding the provisions of WAC 220-312-050, the following rules apply:

(1) Effective June 16, 2017, until further notice, a person may fish for salmon in waters of the Yakima River from the Interstate 82 bridge at Union Gap (river mile 107.1) to the BNSF railroad bridge approximately 600 feet downstream of Roza Dam (river mile 127.8).

(2) Daily limit of two hatchery Chinook, minimum size 12 inches in length. Terminal gear is restricted to two, single (point), barbless hooks with a hook gap from point to shank of 3/4 inch or less when fishing for salmon. Use of bait is allowed.

(3) The Selective Gear Rules requirement prohibiting use of bait and knotted nets is temporarily suspended for all species, but only in the river section open to salmon fishing.

(4) Night closure is in effect.

(5) The Columbia River Salmon/Steelhead Endorsement is required to participate in this fishery.

(6) In all areas open to salmon fishing, the use of two (2) fishing poles is permitted during the salmon fishery provided the participating angler has purchased a "Two-Pole Endorsement" (in addition to the freshwater fishing license and Columbia River salmon/steelhead endorsement).

**WSR 17-13-034
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 17-113—Filed June 13, 2017, 2:08 p.m., effective July 1, 2017]

Effective Date of Rule: July 1, 2017.

Purpose: Amend recreational fishing rules for bottom-fish.

Citation of Existing Rules Affected by this Order: Amending WAC 220-310-110 and 220-314-020.

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

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

Reasons for this Finding: This emergency rule is needed to require a descending device to be on board vessels and rigged for deployment when recreational fishing for bottom-fish and halibut, and anglers are encouraged to use them when releasing all rockfish. Conservation measures such as reduced bag limits in place for other bottomfish species are not needed to protect the coastal surf perch resource. Descending devices used to release rockfish back to the depth of capture significantly improve the survivability of rockfish that are released. There is insufficient time to adopt permanent rules.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 0.

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

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

Date Adopted: June 13, 2017.

J. W. Unsworth
Director

NEW SECTION

WAC 220-310-11000A Angling gear—Lawful and unlawful acts. Notwithstanding the provisions of WAC 220-310-110, effective July 1, 2017, until further notice, in Marine Areas 1 through 3 and Marine Area 4 (west of the Bonilla-Tatoosh line) it is unlawful for any person to take, fish for, or possess bottomfish or halibut taken for personal use, to fail to have onboard the vessel a fish descending or fish recompression device, rigged for immediate use, and capable of rapidly returning fish to depth of capture.

NEW SECTION

WAC 220-314-02000A Possession limits—Bottom-fish. Notwithstanding the provisions of WAC 220-314-020, effective July 1, 2017, until further notice, in Marine Areas 1

through 3 and Marine Area 4 (west of the Bonilla-Tatoosh line) the daily limit for surfperch is 12.

WSR 17-13-035
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 17-123—Filed June 13, 2017, 2:44 p.m., effective June 13, 2017, 2:44 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational fishing rules for the halibut fishery.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-314-03000F; and amending WAC 220-314-030.

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

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

Reasons for this Finding: This emergency rule is needed to open an additional day of halibut fishing because sufficient quota remains in coastal (Marine Areas 1 through 4) and Puget Sound (Marine Areas 5 through 10). Opening the halibut fishery will provide additional angling opportunity. These rules conform to action taken by the Pacific Fishery Management Council and the International Pacific Halibut Commission. There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: June 13, 2017.

J. W. Unsworth
Director

NEW SECTION

WAC 220-314-03000G Halibut—Seasons—Daily and possession limits. Notwithstanding the provisions of WAC 220-314-030, 220-314-040, and 220-314-010, effec-

tive immediately until further notice, it is unlawful to fish for or possess halibut taken for personal use, except as provided in this section:

(1) **Catch Record Card Area 1** - Open June 17, 2017.

(a) It is unlawful during any vessel trip to bring into port or land bottomfish except sablefish, Pacific Cod, or flat fish species when halibut are on board.

(2) **Catch Record Card Area 1 (Nearshore fishery)**

Those waters shoreward from 46°38.17'N. lat., 124°15.88'W. long., to the WA/OR border at 46°16.00'N. lat., 24°15.88'W. long. (then connecting to the 40 fathom depth contour in Oregon).

(a) Open until further notice, seven days per week.

(b) It is permissible to retain bottomfish while possessing halibut onboard boats in the nearshore area.

(3) **Catch Record Card Area 2** - Open June 17, 2017.

(4) **Card Areas 3 and 4**

(a) Open June 17, 2017.

(b) 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.

(c) In Marine Areas 3 and 4 (west of the Bonilla-Tatoosh Line) it is unlawful to fish for or possess bottomfish seaward of a line approximating the 20-fathom depth contour except, on days open to the Pacific halibut fishery in these areas, it is permissible to retain lingcod, sablefish and Pacific cod seaward of the 20 fathom depth contour as defined by the following coordinates:

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

(d) In Marine Area 4 (east of the Bonilla-Tatoosh Line) it is unlawful to fish for or possess bottomfish seaward of a line approximating 120-feet (20 fathoms), except, on days open to the Pacific halibut fishery in this area, it is permissible to retain lingcod, and Pacific cod seaward of the 120 feet (20 fathoms) as defined by WAC 220-314-010.

(5) **Catch Record Card Area 5 through 10**

(a) Open June 17, 2017.

(b) It is permissible for halibut anglers to retain lingcod and Pacific cod caught while fishing for halibut in waters deeper than 120 feet on days when halibut fishing is open in Areas 5 and 6.

(6) **Catch Record Card Areas 11, 12 and 13** - Closed.

(7) Daily limit one halibut, no minimum size limit. The possession limit is two daily limits of halibut in any form,

except the possession limit aboard the fishing vessel is one daily limit.

(8) It is unlawful to land halibut in a port within an area closed to halibut fishing.

(9) All other permanent rules remain in effect.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-314-03000F Halibut—Seasons—Daily and possession limits. (17-110)

WSR 17-13-038

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 17-108—Filed June 14, 2017, 9:48 a.m., effective June 14, 2017, 9:48 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational fishing rules for Puget Sound.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-300-16000A, 220-300-22000A, 220-310-21000A, 220-313-02000A and 220-313-06000C; and amending WAC 220-300-160, 220-300-220, 220-310-210, 220-313-020, and 220-313-060.

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

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

Reasons for this Finding: This emergency rule is needed because the department of fish and wildlife is in the process of adopting permanent rules that are necessary to implement the personal use fishing plans agreed-to with resource comanagers at the North of Falcon proceedings. These emergency rules are necessary to comply with agreed-to management plans, and are interim until permanent rules take effect. There is insufficient time to adopt permanent rules.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 5, Amended 0, Repealed 5.

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 14, 2017.

J. W. Unsworth
Director

NEW SECTION

WAC 220-300-16000B Definitions—Personal-use fishing Notwithstanding the provisions of WAC 220-300-160, effective July 1, 2017, until further notice "Shoreline Fishing" or "Shore Fishing" means fishing from shore or a structure affixed to the shore or by wading in the water.

NEW SECTION

WAC 220-300-22000B Geographical definitions—River mouth definition Notwithstanding the provisions of WAC 220-300-220, effective July 1, 2017, until further notice Duwamish River mouth is an east-west line extending through the southernmost tip of Harbor Island.

NEW SECTION

WAC 220-310-21000B Possession and delivery of Canadian-origin food fish and shellfish Notwithstanding the provisions of WAC 220-310-210, it is unlawful to possess in marine waters or deliver into Washington any fresh salmon taken for personal use from Canadian waters unless such salmon meet current salmon regulations for the waters of the applicable department of fish and wildlife catch record card area. However, if the vessel operator has a valid Canadian customs clearance number obtained once they are in Canadian waters fishers aboard the vessel may deliver Canadian-origin salmon into Washington that are lawfully taken in Canada, regardless of whether the salmon meet the current salmon regulations for the area where delivered.

NEW SECTION

WAC 220-313-02000B Closed areas—Saltwater salmon angling. (1) Notwithstanding the provisions of WAC 220-313-020, effective July 1 through July 31, 2017 Southern Rosario Strait and Eastern Strait of Juan de Fuca is closed to salmon angling.

(2) Notwithstanding the provisions of WAC 220-313-020, effective July 1, 2017 until further notice those waters of Bellingham, Samish, and Padilla Bays, easterly of a line from Sandy Point to the northern most point of Lone Tree Island, thence easterly of a line from Lone Tree Island to the North-east point of Sinclair Island, thence from the southeastern most point on Sinclair Island to Clark Point on Guemes Island, thence following the shoreline to Yellow Bluff on the southwest corner of Guemes Island, thence to Yellow Bluff Reef range marker, thence to the ferry terminal dock east of

Shannon Point and north of the Burlington Railroad Bridges at the north end of Swinomish Slough are closed to salmon angling.

NEW SECTION

WAC 220-313-06000D Puget Sound salmon—Saltwater seasons and daily limits. Notwithstanding the provisions of WAC 220-313-060, effective immediately through August 15, 2017:

(1) **Catch Record Card Area 5:**

(a) July 1 until further notice: hatchery coho can be kept as part of the daily salmon limit, no additional pink or sock-eye salmon limit in addition to the daily limit.

(b) **Catch Record Card Area 6:**

(a) July 1 until further notice: hatchery coho can be kept as part of the daily salmon limit, no additional pink salmon limit in addition to the daily limit.

(b) Dungeness Bay: July 16 until further notice: closed to salmon angling.

(c) **Catch Record Card Area 7:**

(a) July 1 until further notice: no additional pink salmon limit in addition to the daily limit.

(b) Bellingham Bay and Southern Rosario Strait and Eastern Strait of Juan de Fuca are closed to salmon angling as described in WAC 220-313-020.

(d) **Catch Record Card Area 8-2:**

(a) Tulalip Bay: Chinook and coho can be kept as part of the salmon daily limit, no additional pink salmon limit in addition to the daily limit.

(b) August 1 until further notice: it is permissible to fish from shore in waters on Whidbey Island from Possession Point (Catch Record Card Area 8-2 and 9 border) north to the northern boundary of Possession Point Waterfront Park: daily limit of 2 hatchery coho.

(c) **Catch Record Card Area 9:**

(a) July 1 through July 15: closed.

(b) July 16 until further notice: no additional pink salmon limit in addition to the daily limit, hatchery coho can be kept as part of the daily salmon limit, no more than one hatchery Chinook may be kept as part of the daily limit.

(c) South of a line from Foulweather Bluff to Olele Point: closed to salmon angling July 15 until further notice except it is permissible to fish from shore with a daily limit of 2 salmon, release Chinook, wild coho and chum, no additional pink salmon limit in addition to the daily limit, closed to salmon angling east of a line from the eastern boundary of Salisbury Point Park extending north to a line with the intersection of NE Cliffside Road and Hood Canal Drive NE.

(d) Edmonds Fishing Pier is open year-round, coho may be kept as part of the daily salmon limit, no additional pink salmon limit in addition to the daily limit.

(d) **Catch Record Card Area 10:**

(a) Immediately through June 30: closed to salmon angling.

(b) July 1 through July 15: no additional pink salmon limit in addition to the daily limit, hatchery coho can be kept as part of the daily salmon limit.

(c) July 16 until further notice: no additional pink salmon limit in addition to the daily limit, hatchery coho can be kept

as part of the daily salmon limit, no more than one hatchery Chinook may be kept as part of the daily limit.

(d) Sinclair Inlet: July 1 until further notice: no additional pink salmon limit in addition to the daily limit.

(e) July 1 until further notice: it is permissible to fish for salmon in free-flowing freshwaters downstream of Chico Creek mouth.

(f) Duwamish Waterway downstream from an east-west line through the southernmost tip of Harbor Island to a line extending from Jack Block Park through the northernmost tip of Harbor Island extending to shore northeast of the North Waterway (47°35.47'N, 122°20.58'W), from July 1 until further notice, night closure, anti-snagging rule, and only fish hooked inside the mouth may be retained.

(g) August 11 through August 13: those waters of Elliott Bay east of a line from Pier 91 to Duwamish Head, daily limit of 2 salmon, release chum and wild coho.

(h) August 14 through August 15: those waters of Elliott Bay east of a line from West Point to Alki Point: closed to salmon angling.

(h) Elliott Bay Fishing Pier at Terminal 86, Seacrest Pier, Waterman Pier, Bremerton Boardwalk and Illahee State Park Pier is open year-round, coho can be kept as part of the daily salmon limit, no additional pink salmon limit in addition to the daily limit.

(e) Catch Record Card Area 11:

(a) Coho can be kept as part of the daily limit, no additional pink salmon limit in addition to the daily limit.

(b) Dash Point Dock, Les Davis Pier, Des Moines Pier, Redondo Pier and Point Defiance Boathouse Dock is open year-round, coho can be kept as part of the daily salmon limit, no additional pink salmon limit in addition to the daily limit.

(f) Catch Record Card Area 12 (north of Ayock Point):

(a) July 1 through July 31: closed to salmon angling.

(b) August 1 through August 15: bait and two-single point barbless hooks measuring one-half inch or less from point to shank may be used.

(c) Catch Record Card Area 12 (south of Ayock Point): July 1 until further notice: it is unlawful to fish from any Hoodspout Salmon Hatchery structure except persons with disabilities who permanently use a wheelchair and who have a designated harvester card under WAC 220-220-240 may fish from the ADA-access site at the Hoodspout Salmon Hatchery as long as persons follow all applicable department rules.

(10) Catch Record Card Area 13:

(a) Hatchery coho can be kept as part of the daily limit.

(b) July 1 until further notice: no additional pink salmon limit in addition to the daily limit.

(c) Fox Island Public Fishing Pier is open year-round, coho can be kept as part of the daily salmon limit, no additional pink salmon limit in addition to the daily limit.

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

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-300-16000A Personal-use fishing. (17-86)

WAC 220-300-22000A River mouth definitions. (17-86)

WAC 220-310-21000A Canadian-origin foodfish and shellfish. (17-86)

WAC 220-313-02000A Closed areas—Saltwater salmon angling. (17-86)

WAC 220-313-06000C Puget Sound recreational salmon. (17-86)

WSR 17-13-044

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 17-122—Filed June 14, 2017, 1:22 p.m., effective June 16, 2017]

Effective Date of Rule: June 16, 2016 [2017].

Purpose: Amend Puget Sound recreational crab fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-330-04000A; and amending WAC 220-330-040.

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

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

Reasons for this Finding: This emergency rule is needed to open the recreational crab harvest in the marine areas listed to achieve the 50/50 harvest defined by the federal court order. Recreational crab fisheries will open at 12:01 a.m. on the first day instead of 7:00 a.m. in each of the marine areas as stipulated by the permanent rule. There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: June 14, 2017.

Joe Stohr
for J. W. Unsworth
Director

NEW SECTION

WAC 220-330-04000A Crab—Areas and seasons.

Notwithstanding the provisions of WAC 220-330-040, effective immediately until further notice, it is unlawful to fish for crab for personal use in Puget Sound in all waters of Marine Areas, 4 east of the Bonilla-Tatoosh line, 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12 and 13, except as provided herein;

(1) Marine Areas 4 east of the Bonilla-Tatoosh line, 5, and 11: Effective 12:01 a.m. June 16, 2017, through 11:59 p.m. September 4, 2017, it is permissible to fish for crab for personal use on Thursdays, Fridays, Saturdays, Sundays and Mondays.

(2) That portion of Marine Area 9 north of the Hood Canal Bridge to a line connecting Foulweather Bluff to Olele Point: Effective 12:01 a.m. June 24, 2017, through 11:59 p.m. September 4, 2017, it is permissible to fish for crab for personal use on Thursdays, Fridays, Saturdays, Sundays and Mondays.

(3) Marine Area 12: Effective 12:01 a.m. June 24, 2017, through 11:59 p.m. September 4, 2017, it is permissible to fish for crab for personal use on Thursdays, Fridays, Saturdays, Sundays and Mondays.

(4) That portion of Marine Area 9 except the area described in (2) above: Effective 12:01 a.m. July 1, 2017, through 11:59 p.m. September 4, 2017, it is permissible to fish for crab for personal use on Thursdays, Fridays, Saturdays, Sundays and Mondays.

(5) Marine Areas 6, 8-1, 8-2, 10, and 13: Effective 12:01 a.m. July 1, 2017, through 11:59 p.m. September 4, 2017, it is permissible to fish for crab for personal use on Thursdays, Fridays, Saturdays, Sundays and Mondays.

(6) Those waters of Marine Area 7 south and west of a line projected from Village Point, Lummi Island, through the navigation buoy just east of Matia Island, thence to the buoy at Clements Reef, thence to the easternmost point of Patos Island, thence running along the northern shore of Patos Island to the westernmost point of Patos Island, thence true west to the international boundary and south of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island: Effective 12:01 a.m. July 15, 2017, through 11:59 p.m. September 30, 2017, it is permissible to fish for crab for personal use on Thursdays, Fridays, Saturdays, Sundays and Mondays.

(7) Those waters of Marine Area 7 north and east of a line projected from Village Point, Lummi Island through the navigation buoy just east of Matia Island thence to the buoy at Clements Reef thence to the easternmost point of Patos Island, running along the northern shoreline of Patos Island and from the westernmost point of Patos Island true west to the international boundary and north of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island: Effective 12:01 a.m. August 17, 2017, through 11:59 p.m. Septem-

ber 30, 2017, it is permissible to fish for crab for personal use on Thursdays, Fridays, Saturdays, Sundays and Mondays.

REPEALER

The following section of the Washington Administrative Code is repealed effective October 1, 2017:

WAC 220-330-04000A Crab—Areas and seasons.

WSR 17-13-050

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 17-126—Filed June 15, 2017, 9:46 a.m., effective June 15, 2017, 9:46 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend Columbia River recreational fishing rules for sturgeon.

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

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

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

Reasons for this Finding: This emergency rule is needed to (1) repeal the sturgeon fishery scheduled for June 17, 2017, which was filed in WSR 17-12-041. The harvest guideline of three thousand fish has been reached; and (2) opens a one-day sturgeon fishery from Bonneville Dam upstream to The Dalles Dam, including adjacent tributaries which will provide additional angling opportunity. There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: June 15, 2017.

James B. Scott, Jr.
for J. W. Unsworth
Director

NEW SECTION

WAC 220-312-06000K Freshwater exceptions to statewide rules—Columbia River. Notwithstanding the provisions of WAC 220-312-060, it is unlawful to violate the provisions, provided that unless otherwise amended, all permanent rules remain in effect:

(1) Effective June 23, 2017, the Columbia River is open for retention of white sturgeon.

(a) Open to fishing in the mainstem Columbia River from Bonneville Dam upstream to The Dalles Dam, including adjacent tributaries.

(b) The daily limit of white sturgeon is one fish between 38-inches minimum and 54-inches maximum fork length. The yearly limit is two sturgeon.

(c) Catch and release continues to be allowed, except angling for sturgeon prohibited through July 31 from The Dalles Dam downstream 1.8 miles to a line from the east (upstream) dock at the Port of The Dalles boat ramp straight across to a marker on the Washington shore.

(2) Fork length is measured in a straight line from the tip of the nose to the fork in the caudal fin (tail) with the fish laying on its side on a flat surface, with the tape measure/ruler positioned flat under the fish.

(3) Catch and release is permissible from The Dalles Dam to McNary Dam except in the sturgeon spawning Sanctuary located from John Day Dam downstream 2.4 miles, and in the sturgeon spawning Sanctuary located from McNary Dam downstream 1.5 miles.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-312-06000G Freshwater exceptions to statewide rules—Columbia River. (17-106)

WSR 17-13-062
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 17-128—Filed June 15, 2017, 2:48 p.m., effective June 15, 2017, 2:48 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational fishing rules for the halibut fishery.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-314-03000G; and amending WAC 220-314-030.

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

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

Reasons for this Finding: This emergency rule is needed to open an additional day of halibut fishing because sufficient quota remains in coastal (Marine Areas 1 through 4) and Puget Sound (Marine Areas 5 through 10). Opening the halibut fishery will provide additional angling opportunity. These rules conform to action taken by the Pacific Fishery Management Council and the International Pacific Halibut Commission. There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: June 15, 2017.

J. W. Unsworth
Director

NEW SECTION

WAC 220-314-03000H Halibut—Seasons—Daily and possession limits. Notwithstanding the provisions of WAC 220-314-030, 220-314-040, and 220-314-010, effective immediately until further notice, it is unlawful to fish for or possess halibut taken for personal use, except as provided in this section:

(1) **Catch Record Card Area 1** - Open June 17, 2017.

(a) It is unlawful during any vessel trip to bring into port or land bottomfish except sablefish, Pacific Cod, or flat fish species when halibut are on board.

(2) **Catch Record Card Area 1 (Nearshore fishery)** Those waters shoreward from 46°38.17'N. lat., 124°15.88'W. long., to the WA/OR border at 46°16.00'N. lat., 24°15.88'W. long. (then connecting to the 40 fathom depth contour in Oregon).

(a) Open until further notice, seven days per week.

(b) It is permissible to retain bottomfish while possessing halibut onboard boats in the nearshore area.

(3) **Catch Record Card Area 2** - Open June 17, 2017.

(4) **Card Areas 3 and 4**

(a) Open June 17, 2017.

(b) 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.

(c) In Marine Areas 3 and 4 (west of the Bonille-Tatoosh Line) it is unlawful to fish for or possess bottomfish seaward of a line approximating the 20-fathom depth contour except, on days open to the Pacific halibut fishery in these areas, it is permissible to retain lingcod, sablefish and Pacific cod seaward of the 20 fathom depth contour as defined by the following coordinates:

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

(d) In Marine Area 4 (east of the Bonilla-Tatoosh Line) it is unlawful to fish for or possess bottomfish seaward of a line approximating 120-feet (20 fathoms), except, on days open to the Pacific halibut fishery in this area, it is permissible to retain lingcod, and Pacific cod seaward of the 120 feet (20 fathoms) as defined by WAC 220-314-010.

(5) **Catch Record Card Area 5 through 10** - Open June 17, 2017

(6) **Catch Record Card Areas 11, 12 and 13** - Closed.

(7) Daily limit one halibut, no minimum size limit. The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit.

(8) It is unlawful to land halibut in a port within an area closed to halibut fishing.

(9) All other permanent rules remain in effect.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-314-03000G Halibut—Seasons—Daily and possession limits. (17-123)

WSR 17-13-063 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 17-119—Filed June 15, 2017, 2:49 p.m., effective June 16, 2017]

Effective Date of Rule: June 16, 2017.

Purpose: Amend recreational freshwater fishing rules for the Columbia River.

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

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

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

Reasons for this Finding: These emergency rules are needed to apply restrictions to protect wild steelhead listed under the Endangered Species Act and to ensure enough hatchery steelhead return to meet escapement goals. The pre-season forecast indicates approximately one hundred thirty thousand, seven hundred summer-run steelhead will return to the Columbia River this year, the lowest number since 1980. There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: June 15, 2017.

J. W. Unsworth
Director

NEW SECTION

WAC 220-312-06000J Freshwater exceptions to statewide rules—Columbia. Notwithstanding the provisions of WAC 220-312-060, it is unlawful to violate the following provisions provided that unless otherwise amended, all permanent rules remain in effect:

(1) **Mainstem Columbia River from the Megler-Astoria Bridge upstream to The Dalles Dam**, effective June 16 until further notice:

(a) Night closure in effect except for anglers enrolled in the Pikeminnow Sport-Reward Program and actively fishing for pikeminnow.

(b) Through July 31, only 1 hatchery steelhead may be retained.

(c) Effective August 1 until further notice, release all steelhead.

(2) Mainstem Columbia River from a true north-south line through Buoy 10 upstream to a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank, effective August 1 until further notice:

(a) Night closure in effect except for anglers enrolled in the Pikeminnow Sport-Reward Program and actively fishing for pikeminnow.

(b) Release all steelhead.

(3) Mainstem Columbia River from The Dalles Dam upstream to the Hwy. 395 Bridge in Pasco: effective June 16 until further notice:

(a) Night closure in effect except for anglers enrolled in the Pikeminnow Sport-Reward Program and actively fishing for pikeminnow.

(b) Only 1 hatchery steelhead may be retained.

REPEALER

The following section of the Washington Administrative Code is repealed effective June 16, 2017:

WAC 220-312-06000H Freshwater exceptions to statewide rules—Columbia River (17-107))

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

**WSR 17-13-064
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 17-125—Filed June 15, 2017, 3:50 p.m., effective June 15, 2017, 3:50 p.m.]

Effective Date of Rule: Immediately upon filing.

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

Citation of Existing Rules Affected by this Order: Amending WAC 220-359-020.

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

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

mission 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: Allows the sale of fish caught in Zone 6 Columbia River tribal fisheries with platform and hook and line gear for the summer season. The sale of fish caught in Yakama Nation tributary fisheries is also allowed when open under Yakama Nation regulations. The area downstream of Bonneville Dam (SMCRA 1E1) is open to sales of fish beginning June 16 when open under tribal regulations. Two weekly gillnet fishing periods during the summer season have also been set. The preseason forecast for summer Chinook is sixty-three thousand, one hundred fish, and seventeen thousand, one hundred harvestable fish are available to the treaty tribes. Fisheries are consistent with the 2008-2017 Management Agreement and the associated biological opinion. Rule is consistent with action of the Columbia River Compact on June 14, 2017. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent regulations.

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

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

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

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

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

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

Date Adopted: June 15, 2017.

Joe Stohr
for J. W. Unsworth
Director

NEW SECTION

WAC 220-359-02000A Columbia River salmon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-359-010, WAC 220-359-020, WAC 220-359-030 and WAC 220-359-090, effective immediately until further notice, it is unlawful for a person to take or possess salmon, steelhead, sturgeon, shad, carp, catfish, walleye, bass, or yellow perch taken for commercial purposes in Columbia River Salmon Management and Catch Reporting Areas 1E1, 1F, 1G, and 1H, and in the Wind River, Klickitat River, Drano Lake, Yakima River and Icicle Creek. However, those individuals possessing treaty fishing rights under the Yakama, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, steelhead, sturgeon, shad, carp, catfish, walleye, bass, or yellow perch under the following provisions.

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

(a) Season: 6:00 AM Monday June 19 to 6:00 PM Thursday June 22, 2017

6:00 AM Monday June 26 to 6:00 PM Thursday June 29, 2017

(b) Gear: Gillnets. 7-inch minimum mesh size.

(c) Allowable sale: Salmon, steelhead, shad, yellow perch, bass, walleye, catfish, or carp. Sturgeon may not be sold, but sturgeon between 38-54 inches in fork length in the Bonneville Pool and sturgeon between 43-54 inches in fork length in The Dalles and John Day pools may be retained for subsistence purposes only. Live release of all oversize and under-size sturgeon is required.

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

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

(a) Season: 6:00 AM Friday June 16 to 11:59 PM Monday July 31, 2017

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

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

(d) All sanctuaries for these gear types are in effect, except Spring Creek.

(3) Columbia River Tributaries upstream of Bonneville Dam:

(a) Season: 6:00 AM Friday June 16 until further notice, and only during those days and hours when the tributaries listed below are open under lawfully enacted Yakama Nation tribal subsistence fishery regulations for enrolled Yakama Nation members.

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

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

(d) Allowable Sale: Salmon, steelhead, shad, yellow perch, bass, walleye, catfish, or carp. Sturgeon between 38-54 inches fork length harvested in tributaries within Bonneville pool may not be sold but may be kept for subsistence purposes only. Live release of all oversize and under-size sturgeon is required.

(4) Open Area: SMCRA 1E1. Each of the four Columbia River treaty tribes has an MOA or MOU with the Washington Department of Fish and Wildlife for tribal fisheries in the area just downstream of Bonneville Dam. Tribal fisheries in this area may only occur in accordance with the appropriate MOA or MOU specific to each tribe, and only within any specific regulations set by each tribe.

(a) Participants:

(i) Tribal members may participate under the conditions described in the 2007 Memorandum of Agreement (MOA) with the Yakama Nation (YN), in the 2010 Memorandum of Understanding (MOU) with the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), in the 2010 MOU with the Confederated Tribes of the Warm Spring Reservation (CTWS), and in the 2013 MOU with the Nez Perce Tribe.

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

(b) Season: 6:00 AM June 16 through 11:59 PM July 31, 2017. Open only during those days and hours when allowed under lawfully enacted tribal subsistence fishery regulations for enrolled tribal members.

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

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

(5) 24-hour quick reporting is required as provided in WAC 220-69-240, for Washington wholesale dealers for all areas, except that all landings from treaty fisheries described above must be reported within 24-hours of completing the fish ticket.

(6) Sales of fish are allowed after open period concludes, as long as the fish sold were landed during the open period.

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

WSR 17-13-065
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 17-129—Filed June 15, 2017, 4:02 p.m., effective June 15, 2017,
 4:02 p.m.]

Effective Date of Rule: Immediately upon filing.

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

Citation of Existing Rules Affected by this Order: Repealing WAC 220-358-03000E; and amending WAC 220-358-030.

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

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

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

Reasons for this Finding: Sets the 2017 summer select area commercial seasons. Impacts to nonlocal stocks are expected to be minimal and local Chinook stocks reared for the select area sites are available for harvest. The fishery is consistent with the *U.S. v. Oregon* Management Agreement and the associated biological opinion. Conforms Washington state rules with Oregon state rules. Regulation is consistent with compact action of June 14, 2017. There is insufficient time to promulgate permanent rules.

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

Some Columbia River Basin salmon and steelhead stocks are listed as threatened or endangered under the federal ESA. On May 5, 2008, the National Marine Fisheries Service issued a biological opinion under 16 U.S.C. § 1536 that allows for some incidental take of these species in treaty and nontreaty Columbia River fisheries governed by the

2008-2017 *U.S. v. Oregon* Management Agreement. The Washington and Oregon fish and wildlife commissions have developed policies to guide the implementation of such biological opinions in the states' regulation of nontreaty fisheries.

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

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

Number of Sections Adopted at 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 15, 2017.

Joe Stohr
 for J. W. Unsworth
 Director

NEW SECTION

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

(1) Tongue Point/South Channel

(a) **Dates:** Monday June 19 - Tuesday June 20;
 Thursday June 22 - Friday June 23;
 Monday June 26 - Tuesday June 27;
 Thursday June 29 - Friday June 30;
 Sunday July 2 - Monday July 3;
 Thursday July 6 - Friday July 7;
 Monday July 10 - Tuesday July 11.
 Open hours are: 7 PM to 7 AM

(b) **Area:** 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 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, and northwesterly to a marker on Burnside Island defining the upstream terminus of South Channel.

(c) **Gear:** Gillnets. 9 3/4-inch maximum mesh. In the Tongue Point fishing area, gear restricted to a 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 a maximum net length of 250 fathoms, no weight restriction on leadline, and use of additional weights or anchors attached directly to the leadline is allowed.

(d) **Miscellaneous:** Permanent transportation rules in effect.

(2) Blind Slough/Knappa Slough Select Area

(a) **Dates:** Monday June 19 - Tuesday June 20;

Thursday June 22 - Friday June 23;

Monday June 26 - Tuesday June 27;

Thursday June 29 - Friday June 30;

Sunday July 2 - Monday July 3;

Thursday July 6 - Friday July 7;

Monday July 10 - Tuesday July 11.

Open hours are: 7 PM to 7 AM.

(b) **Area:** Blind Slough and Knappa Slough are both open. The lower boundary of the Knappa Slough fishing area is defined by markers on the west end of Minaker Island to markers on Karlson Island and the Oregon shore (fall boundary).

(c) **Gear:** Gillnets. 9 3/4-inch maximum mesh. Nets are restricted to 100 fathoms in length with no weight restriction on leadline. Use of additional weights and/or anchors attached directly to the leadline is allowed.

(d) **Miscellaneous:** Permanent transportation rules in effect.

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

(5) 24-hour quick reporting is in effect for Washington buyers (WAC 220-352-180 (14)(d)). Permanent transportation rules in effect.

(6) Multi-Net Rule: Nets not specifically authorized for use in these areas may be onboard a vessel if properly stored (WAC 220-358-010(2)).

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

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:01 a.m. July 11, 2017:

WAC 220-358-03000E Columbia River seasons below Bonneville.

WSR 17-13-066

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 17-120—Filed June 15, 2017, 4:07 p.m., effective July 1, 2017]

Effective Date of Rule: July 1, 2017.

Purpose: Amend recreational fishing rules for the Hoh River.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-312-02000G; and amending WAC 220-312-020.

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

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

Reasons for this Finding: This emergency rule is needed because the department of fish and wildlife is in the process of adopting permanent rules that are necessary to implement the personal use fishing plans agreed-to with resource comanagers at the North of Falcon proceedings. These emergency rules are necessary to comply with agreed-to management plans, and are interim until permanent rules take effect. There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: June 15, 2017.

Joe Stohr
for J. W. Unsworth
Director

NEW SECTION

WAC 220-312-02000G Freshwater exceptions to statewide rules—Coastal. Notwithstanding the provisions of WAC 220-312-020, effective July 1 through August 31, 2017, it is permissible to fish in those waters of the Hoh River and South Fork Hoh River outside the boundaries of Olympic National Park, the following rules apply:

(1) Daily limit of 2 trout over 14 inches, except no size limit on hatchery origin (adipose clipped) trout, and anglers are required to release wild (unclipped) rainbow trout.

(2) Use of bait is prohibited, and only one barbless hook with up to three points may be used. Anglers are required to release any Chinook and coho salmon encountered, and any wild steelhead.

(3) Fishing from a floating device equipped with an internal combustion motor is prohibited. Fishing for other game fish is open under statewide minimum size and daily limit regulations.

REPEALER

The following section of the Washington Administrative Code is repealed effective September 1, 2017:

WAC 220-312-02000G Freshwater exceptions to statewide rules—Coastal.

WSR 17-13-067
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 17-114—Filed June 15, 2017, 4:11 p.m., effective June 15, 2017,
4:11 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend recreational coastal salmon rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-313-070.

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

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

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

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 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 15, 2017.

Joe Stohr
for J. W. Unsworth
Director

NEW SECTION

WAC 220-313-07000A Coastal salmon—Saltwater seasons and daily limits. Notwithstanding the provisions of WAC 220-313-070, effective immediately until further notice, it is unlawful to violate the provisions below. Unless otherwise amended, all permanent rules remain in effect:

(1) **Catch Record Card Area 1:**

(a) Immediately through June 23: Closed.

(b) June 24 through September 4:

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

(ii) Release wild coho.

(c) September 5 until further notice: Closed.

(d) Closed in the Columbia River Mouth Control Zone 1 during all open periods. See WAC 220-56-195.

(2) **Catch Record Card Area 2:**

(a) Immediately through June 30: Closed.

(b) July 1 through September 4:

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

(ii) Release wild coho.

(iii) Beginning August 14, the Grays Harbor Control Zone is closed. Grays Harbor Control Zone - The area defined by a line drawn from the Westport Lighthouse (46°53.18'N latitude, 124°07.01'W longitude) to Buoy #2 (46°52.42'N latitude, 124°12.42'W longitude) to Buoy #3 (46°55.00'N latitude, 124°14.48'W longitude) to the Grays Harbor north jetty (46°55.36'N latitude, 124°10.51'W longitude).

(c) September 5 until further notice - Closed.

(3) **Willapa Bay (Catch Record Card Area 2-1):**

(a) Immediately through June 30: Closed.

(b) July 1 through July 31: Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

(c) August 1 until further notice:

(i) Daily limit of 6 salmon; no more than 3 may be adult salmon.

(ii) Release wild Chinook.

(iii) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.

(iv) Waters north of a line from Toke Point channel marker 3 easterly through Willapa Harbor channel marker 13 (green) then, northeasterly to the power transmission pole

located at 46°43.19'N, 123°50.83'W are closed August 1 until September 30.

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

(a) Immediately through July 31: Closed.

(b) August 1 until further notice:

(i) Daily limit of 2 salmon.

(ii) Release wild coho.

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

(c) The Westport Boat Basin and Ocean Shores Boat Basin are open August 16 until further notice.

(i) Daily limit of 6 salmon; no more than 4 may be adult salmon.

(ii) Release Chinook.

(iii) Night closure and anti-snagging rule in effect.

(5) Grays Harbor (Catch Record Card Area 2-2 west of the Buoy 13 line):

(a) Immediately through June 30: Closed.

(b) July 1 through August 14: Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

(c) August 15 until further notice: Closed.

(6) Catch Record Card Area 3:

(a) Immediately through June 23: Closed

(b) June 24 through September 4:

(i) Daily limit of 2 salmon.

(ii) Release wild coho.

(c) September 5 until further notice: Closed.

(7) Catch Record Card Area 4:

(a) Immediately through June 23: Closed.

(b) June 24 through September 4:

(iii) Daily limit of 2 salmon.

(iv) Release wild coho.

(v) Waters east of a true north-south line through Sail Rock are closed through July 31.

(vi) No chinook retention in waters east of the Bonilla-Tatoosh line beginning August 1.

(vii) Release chum salmon beginning August 1.

(c) September 5 until further notice: Closed.

Statutory Authority for Adoption: Chapter 19.27 RCW.

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

Reasons for this Finding: The 2016 legislature took action to modify the requirements of this section under ESHB 2380.SL/New Section 6012. A new section is added to 2015 3rd sp.s. chapter 3 (uncodified) to read as follows: To avoid unnecessary duplication of infrastructure installation and reduce school construction costs funded through the school construction assistance program in this budget, the building code council adopted emergency amendments as directed by the legislature to provide that buildings classed as E occupancies, as defined in the state building code, are not required to install an emergency voice alarm system as defined in the 2012 International Building Code and International Fire Code section 907.2.3. The school district must comply with RCW 28A.320.126 by working collaboratively with local law enforcement agencies to develop an emergency response system using evolving technologies and the school district must adopt a safe school plan under RCW 28A.320.125. The state building code council technical advisory group worked with stakeholders to develop amendatory language for emergency and permanent rule making.

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 1, Repealed 0.

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

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

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

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

Date Adopted: May 12, 2017.

Steve Simpson
Chair

WSR 17-13-078

EMERGENCY RULES

BUILDING CODE COUNCIL

[Filed June 16, 2017, 2:57 p.m., effective June 16, 2017, 2:57 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this action is to amend a section of a rule filed on April 25, 2017, as WSR 17-10-028. This action will amend currently adopted language in Section 907 Fire Alarm and Detection Systems. The state building code council convened a technical advisory group to develop this amendment to provide options for compliance with current codes and safe school law.

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

AMENDATORY SECTION (Amending WSR 17-10-028, filed 4/25/17, effective 5/26/17)

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

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

~~installed, such systems or detectors shall be connected to the building fire alarm system.~~

- EXCEPTIONS:
1. A manual fire alarm system is not required in Group E occupancies with an occupant load of 50 or less.
 2. Emergency voice/alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group E occupancies with occupant loads of 100 or less, provided that activation of the manual fire alarm system initiates an approved occupant notification signal in accordance with Section 907.5.
 3. Manual fire alarm boxes are not required in Group E occupancies where all of the following apply:
 - 3.1 Interior corridors are protected by smoke detectors.
 - 3.2 Auditoriums, cafeterias, gymnasiums and similar areas are protected by heat detectors or other approved detection devices.
 - 3.3 Shops and laboratories involving dusts or vapors are protected by heat detectors or other approved detection devices.
 4. Manual fire alarm boxes shall not be required in Group E occupancies where the building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, the emergency voice/alarm communication system will activate on sprinkler water flow and manual activation.)

Group E occupancies shall be provided with a manual fire alarm system that initiates the occupant notification signal utilizing one of the following:

1. An emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6; or
2. A system developed as part of a safe school plan adopted in accordance with RCW 28A.320.125 or developed as part of an emergency response system consistent with the provisions of RCW 28A.320.126. The system must achieve all of the following performance standards:
 - 2.1 The ability to broadcast voice messages or customized announcements;
 - 2.2 Includes a feature for multiple sounds, including sounds to initiate a lock down;
 - 2.3 The ability to deliver messages to the interior of a building, areas outside of a building as designated pursuant to the safe school plan, and to personnel;
 - 2.4 The ability for two-way communications;
 - 2.5 The ability for individual room calling;
 - 2.6 The ability for a manual override;
 - 2.7 Installation in accordance with NFPA 72;
 - 2.8 Provide 15 minutes of battery backup for alarm and 24 hours of battery backup for standby; and
 - 2.9 Includes a program for annual inspection and maintenance in accordance with NFPA 72.

- Exceptions:
1. A manual fire alarm system is not required in Group E occupancies with an occupant load of 50 or less.
 2. Emergency voice/alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group E occupancies with occupant loads of 100 or less, such as individual portable school classroom buildings; provided that activation of the manual fire alarm system initiates an approved occupant notification signal in accordance with Section 907.5.

3. Where an existing approved alarm system is in place, an emergency voice/alarm system is not required in any portion of an existing Group E building undergoing any one of the following repairs, alteration or addition:

3.1 Alteration or repair to an existing building including, without limitation, alterations to rooms and systems, and/or corridor configurations, not exceeding 35 percent of the fire area of the building (or the fire area undergoing the alteration or repair if the building is comprised of two or more fire areas); or

3.2 An addition to an existing building, not exceeding 35 percent of the fire area of the building (or the fire area to which the addition is made if the building is comprised of two or more fire areas).

4. Manual fire alarm boxes are not required in Group E occupancies where all of the following apply:

- 4.1 Interior corridors are protected by smoke detectors.
- 4.2 Auditoriums, cafeterias, gymnasiums and similar areas are protected by heat detectors or other approved detection devices.
- 4.3 Shops and laboratories involving dusts or vapors are protected by heat detectors or other approved detection devices.

5. Manual fire alarm boxes shall not be required in Group E occupancies where all of the following apply:

- 5.1 The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1.
- 5.2 The emergency voice/alarm communication system will activate on sprinkler waterflow.
- 5.3 Manual activation is provided from a normally occupied location.

907.2.3.1 Sprinkler systems or detection. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system.

907.2.6 Group I. A manual fire alarm system that activates the occupant notification system shall be installed in Group I occupancies. An automatic smoke detection system that notifies the occupant notification system shall be provided in accordance with Sections 907.2.6.1, 907.2.6.2, 907.2.6.3.3 and 907.2.6.4.

- EXCEPTIONS:
1. Manual fire alarm boxes in resident or patient sleeping areas of Group I-1 and I-2 occupancies shall not be required at exits if located at nurses' control stations or other constantly attended staff locations, provided such stations are visible and continually accessible and that travel distances required in Section 907.4.2 are not exceeded.
 2. Occupant notification systems are not required to be activated where private mode signaling installed in accordance with NFPA 72 is approved by the fire code official.

907.2.6.1 Group I-1. An automatic smoke detection system shall be installed in *corridors*, waiting areas open to *corridors* and *habitable spaces* other than *sleeping units* and *kitchens*. The system shall be activated in accordance with Section 907.4.

- EXCEPTIONS:
1. For Group I-1 Condition 1 occupancies, smoke detection in *habitable spaces* is not required where the facility is equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1.
 2. Smoke detection is not required for exterior balconies.

907.2.6.4 Group I-4 occupancies. A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group I-4 occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system.

- EXCEPTIONS:
1. A manual fire alarm system is not required in Group I-4 occupancies with an occupant load of 50 or less.
 2. Emergency voice alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group I-4 occupancies with occupant loads of 100 or less, provided that activation of the manual fire alarm system initiates an approved occupant notification signal in accordance with Section 907.5.

907.5.2.1.2 Maximum sound pressure. The maximum sound pressure level for audible alarm notification appliances shall be 110 dBA at the minimum hearing distance from the audible appliance. For systems operating in public mode, the maximum sound pressure level shall not exceed 30 dBA over the average ambient sound level. Where the average ambient noise is greater than 95 dBA, visible alarm notification appliances shall be provided in accordance with NFPA 72 and audible alarm notification appliances shall not be required.

907.10 NICET: National Institute for Certification in Engineering Technologies.

907.10.1 Scope. This section shall apply to new and existing fire alarm systems.

907.10.2 Design review: All construction documents shall be reviewed by a NICET III in fire alarms or a licensed professional engineer (PE) in Washington prior to being submitted for permitting. The reviewing professional shall submit a stamped, signed, and dated letter; or a verification method approved by the local authority having jurisdiction indicating the system has been reviewed and meets or exceeds the design requirements of the state of Washington and the local jurisdiction (effective July 1, ((2017)) 2018).

907.10.3 Testing/maintenance: All inspection, testing, maintenance and programing not defined as "*electrical construction trade*" by chapter 19.28 RCW shall be completed by a NICET II in fire alarms (effective July 1, ((2017)) 2018).

WSR 17-13-089
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 17-131—Filed June 19, 2017, 3:46 p.m., effective June 20, 2017, 11:59 p.m.]

Effective Date of Rule: June 20, 2017, 11:59 p.m.

Purpose: Amend commercial fishing rules for Puget Sound shrimp.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-340-52000B; and amending WAC 220-340-520.

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

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

Reasons for this Finding: The 2017 state/tribal shrimp harvest management plans for the Strait of Juan de Fuca and Puget Sound require adoption of harvest seasons contained in this emergency rule. This emergency rule (1) lowers the weekly limit for nonspot shrimp in Shrimp Management Areas 1A, 1B and 1C; and (2) closes the pot fishery season for nonspot shrimp in Shrimp Management Areas 1A, 1B and 1C on June 24, as the quota will be reached. There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: June 19, 2017.

Joe Stohr
 for J. W. Unsworth
 Director

NEW SECTION

WAC 220-340-52000C Puget Sound shrimp pot and trawl fishery—Season. Notwithstanding the provisions of WAC 220-340-520, effective immediately, until further notice, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) All waters of Shrimp Management Areas 1A, 1B, 1C, 2W and 3 are open to the harvest of all non-spot shrimp species, effective immediately, until further notice, except as provided for in this section:

(i) All waters of Catch Areas 23A-E, 23A-W, 23A-C and the Discovery Bay Shrimp District are closed.

(ii) All waters of Shrimp Management Area 1A north of a line projected at 48°.31.5' N latitude are closed.

(iii) Effective 6:00 p.m. June 24, 2017 all waters of Shrimp Management Areas 1A, 1B and 1C are closed.

(b) Effective immediately, until further notice, it is unlawful for the combined total harvest of non-spot shrimp by a fisher or the fisher's alternate operator to exceed 600 pounds per week from Shrimp Management Area 2W.

(c) Effective immediately, until 6:00 p.m. June 24, 2017, it is unlawful for the combined total harvest of non-spot shrimp by a fisher or the fisher's alternate operator to exceed 100 pounds in Shrimp Management Areas 1A, 1B and 1C.

(d) Effective immediately, until further notice, the shrimp catch accounting week is Wednesday through Tuesday.

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

(2) Shrimp trawl gear:

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

(b) That portion of Catch Area 22A within SMA 1B is open.

(c) That portion of Catch Area 20B within SMA 1B is open.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. June 20, 2017:

WAC 220-340-52000B Puget Sound shrimp pot and beam trawl fishery—Season. (17-121)

**WSR 17-13-090
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 17-127—Filed June 19, 2017, 3:51 p.m., effective July 1, 2017]

Effective Date of Rule: July 1, 2017.

Purpose: Amend freshwater recreational fishing rules for the Columbia River and eastside rivers.

Citation of Existing Rules Affected by this Order: Amending WAC 220-312-050 and 220-312-060.

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

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

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

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 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 19, 2017.

Joe Stohr
for J. W. Unsworth
Director

NEW SECTION

WAC 220-312-05000M Freshwater exceptions to statewide rules—Eastside. Notwithstanding the provisions of WAC 220-312-050, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

(1) **Chelan River (Chelan County):** From the railroad bridge to the Chelan P.U.D. safety barrier below the power house it is permissible to retain four sockeye in the daily limit when open for salmon fishing.

(2) **Okanogan River (Okanogan County):**

(a) In waters of the Okanogan River open for salmon fishing it is permissible to retain 4 sockeye salmon in the daily limit.

(b) Effective July 1 through August 15, 2017, in those waters from mouth to Hwy. 97 Bridge immediately upstream of mouth it is permissible to retain hatchery trout. Min. size 12". Daily limit 10 hatchery TROUT. Barbless hooks required.

(3) **Similkameen River (Okanogan County):** In waters of the Similkameen River open for salmon fishing it is permissible to retain 4 sockeye salmon in the daily limit.

(4) **Wenatchee River (Chelan Co):** In waters of the Wenatchee River open for salmon fishing it is permissible to retain 4 sockeye salmon in the daily limit. Release all coho.

NEW SECTION

WAC 220-312-06000L Freshwater exceptions to statewide rules—Columbia River. Notwithstanding the provisions of WAC 220-312-060, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

(1) Effective July 1, 2017, until further notice, in those waters from Priest Rapids Dam to Wells Dam it is permissible to retain four sockeye in the daily limit when open for salmon fishing.

(2) Effective July 16, 2017, until further notice, in those waters from Wells Dam to the Hwy 173 Bridge at Brewster it is permissible to retain four sockeye in the daily limit when open for salmon fishing.

(3) Effective July 1, 2017, until further notice, in those waters from the Hwy 173 Bridge at Brewster to Chief Joseph Dam it is permissible to retain four sockeye in the daily limit when open for salmon fishing.

(4) Effective July 16 through August 15, 2017, in those waters from Wells Dam to the Hwy 173 Bridge at Brewster it is permissible to retain hatchery trout. Min. size 12". Daily limit 10 hatchery TROUT. Barbless hooks required.

(5) Effective July 1 through August 15, 2017, in those waters from the Hwy 173 Bridge at Brewster to Chief Joseph Dam it is permissible to retain hatchery trout. Min. size 12". Daily limit 10 hatchery TROUT. Barbless hooks required.

WSR 17-13-117
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 17-130—Filed June 20, 2017, 3:52 p.m., effective June 20, 2017, 3:52 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend freshwater recreational fishing rules for the Skagit River.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-312-04000G and 220-312-04000H; and amending WAC 220-312-040.

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

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

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

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

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 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 20, 2017.

Joe Stohr
for J. W. Unsworth
Director

NEW SECTION

WAC 220-312-04000H Freshwater exceptions to statewide rules—Puget Sound. Notwithstanding the provisions of WAC 220-312-040, effective June 19 through July 15, 2017, it is permissible to fish for sockeye salmon in those waters of the Skagit River from the Hwy. 536 at Mt. Vernon (Memorial Hwy. Bridge) to mouth of Gilligan Creek.

(1) Closed on June 29, 30, July 6, 7, and 11, 2017, from the mouth to the Highway 530 Bridge at Rockport.

(2) Daily limit of three sockeye salmon.

(3) Night closure is in effect.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-312-04000G Freshwater exceptions to statewide rules—Puget Sound. (17-118)

The following section of the Washington Administrative Code is repealed effective July 16, 2017:

WAC 220-312-04000H Freshwater exceptions to statewide rules—Puget Sound.

WSR 17-13-118
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 17-133—Filed June 20, 2017, 4:25 p.m., effective June 20, 2017, 4:25 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend commercial fishing rules for the coastal salmon troll fishery.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-354-30000A; and amending WAC 220-354-300.

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

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

Reasons for this Finding: Sufficient harvestable salmon remain on the subarea quota north of the Queets River to allow unrestricted vessel landing and possession limits for the remainder of the fishery. These rules are adopted at the recommendation of the Pacific Fisheries [Fishery] Management Council, in accordance with preseason fishing plans. There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: June 20, 2017.

Joe Stohr
for J. W. Unsworth
Director

NEW SECTION

WAC 220-354-30000B Coastal salmon troll seasons—Commercial. Notwithstanding the provisions of WAC 220-354-300, effective immediately until further notice, it is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons provided below:

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

Immediately through June 30, 2017.

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

(3) Minimum size for Chinook salmon is 28 inches in length. No minimum size for pink, sockeye or chum salmon. It is unlawful to possess coho salmon.

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

(5) Fishers must land and deliver their catch within 24 hours of any closure of a fishery provided for in this section. Vessels in possession of salmon north of the Queets River may not cross the Queets River line without first notifying

WDFW by phone at (360) 249-1215 or by email at Wendy.Beehley@dfw.wa.gov with Area fished, total Chinook and halibut catch aboard, and destination. Vessels in possession of salmon south of the Queets River may not cross the Queets River line without first notifying WDFW by phone at (360) 249-1215 or by email at Wendy.Beehley@dfw.wa.gov with Area fished, total Chinook and halibut catch aboard, and destination. Vessels fishing or in possession of salmon while fishing north of Leadbetter Point must land and deliver their fish within the area and North of Leadbetter Point. Vessels fishing or in possession of salmon while fishing south of Leadbetter Point must land and deliver their fish within the area and south of Leadbetter Point.

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

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

(8) The Mandatory Yelloweye Rockfish Conservation Area is defined as the area in Washington Marine Catch Area 3 from 48°00.00' N latitude; 125°14.00' W longitude to 48°02.00' N latitude; 125°14.00' W longitude to 48°02.00' N latitude; 125°16.50' W longitude to 48°00.00' N latitude; 125°16.50' W longitude and connecting back to 48°00.00' N latitude; 125°14.00' W longitude.

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

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

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-354-30000A Coastal salmon troll seasons—
Commercial. (17-84)

WSR 17-13-120
EMERGENCY RULES
BIG BEND

COMMUNITY COLLEGE

[Filed June 21, 2017, 7:52 a.m., effective June 21, 2017, 7:52 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: On December 1, 2016, the court of appeals of the state of Washington Division III filed an opinion regarding full adjudicative proceedings required by the Washington Administrative Procedure Act (APA), chapter 34.05 RCW in the *Arishi v. Washington State University* case (No. 33306-0-III). Big Bend Community College (BBCC) currently provides a full adjudicative process in situations where a student is alleged to have violated the standards of conduct for students and suspension of more than ten instructional days or dismissal/expulsion might be a result and also for all allegations of student sexual misconduct; however, BBCC will provide additional clarification regarding the adjudicative process and incorporate language from the APA and model rules of procedure (chapter 10-08 WAC) in its student conduct code WAC to ensure compliance with the court of appeals decision. Further clarification regarding the equal rights of a complainant in sexually violent conduct complaints will also be added for compliance with Title IX guidance from the United States Department of Education's Office for Civil Rights.

Citation of Existing Rules Affected by this Order: Amending WAC 132R-04-067 Appeal from disciplinary action, 132R-04-130 Student disciplinary committee process, and 132R-04-150 Appeal from student disciplinary committee initial order.

Statutory Authority for Adoption: RCW 28B.50.140.

Other Authority: Chapter 34.05 RCW, Administrative Procedure Act.

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

Reasons for this Finding: The reason for this finding is that on December 1, 2016, the court of appeals of the state of Washington Division III filed an opinion regarding full adjudicative proceedings required by the APA, chapter 34.05 RCW in the *Arishi v. Washington State University* case (No. 33306-0-III) in order to be in full compliance with this decision some amendments are necessary.

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 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 8, 2017.

Dawna L. Haynes
Dean of Students

AMENDATORY SECTION (Amending WSR 16-15-011, filed 7/8/16, effective 8/8/16)

WAC 132R-04-067 Appeal from disciplinary action.

(1) The respondent may appeal the results of a disciplinary action by filing a written notice of appeal with the conduct review officer within twenty days of service of the discipline order. Failure to timely file a notice of appeal constitutes a waiver of the right to appeal and the student conduct officer's order shall be deemed final.

(2) The notice of appeal must include a brief statement explaining why the respondent is seeking review.

(3) The parties to an appeal shall be the respondent and the conduct review officer.

(4) A respondent, who timely appeals a disciplinary action or whose case is referred to the student disciplinary committee, has a right to a prompt, fair, and impartial hearing as provided for in these procedures.

(5) In the event of a conflict between this student conduct code and the Administrative Procedure Act, chapter 34.05 RCW, ((governs committee proceedings and controls in the event of any conflict with these rules)) this student conduct code will govern.

(6) The college hereby adopts the Model rules of procedure, chapter 10-08 WAC, by reference. To the extent there is a conflict between these rules and chapter 10-08 WAC, these rules shall control.

(7) Imposition of discipline for violation of the student conduct code shall be stayed pending appeal, unless respondent has been summarily suspended.

(8) The student disciplinary committee shall hear ((appeals from)) the following cases as fully adjudicated proceedings:

(a) Appeals from suspensions in excess of ten instructional days;

(b) Appeals from dismissals; ~~((and))~~

(c) Discipline cases referred to the committee by the student conduct officer; and

(d) Cases in which students request to have their discipline case heard by the committee.

(9) Student conduct appeals involving the following disciplinary actions shall be heard as brief adjudicative proceedings:

(a) Suspensions of ten instructional days or less;

(b) Disciplinary probation;

(c) Reprimands; and any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.

AMENDATORY SECTION (Amending WSR 16-15-011, filed 7/8/16, effective 8/8/16)

WAC 132R-04-130 Student disciplinary committee process. (1) Student disciplinary committee process.

The student conduct administrative panel will conduct full adjudicative proceedings in accordance with the provisions of this Standards of Conduct for Students Code, the Administrative Procedure Act (chapter 34.05 RCW), and the model rules of procedure (chapter 10-08 WAC) including a hearing, determination of findings, conclusions, and sanctions. To the extent there is a conflict between the conduct code and the model rules, this student conduct code shall control.

(a) The committee chair shall serve all parties with written notice of the hearing not less than seven business days in advance of the hearing date, as further specified in RCW 34.05.434 and WAC 10-08-040 and 10-08-045. ~~((To the extent there is a conflict between these rules and chapter 10-08 WAC, these rules shall control.))~~ The chair may shorten this notice period if both parties agree, and also may continue the hearing to a later time for good cause.

(b) The committee chair is authorized to conduct prehearing conferences and/or to make prehearing decisions concerning the extent and forms of any discovery, issuance of protective orders, and similar procedural matters.

(c) Upon request filed at least five days before the hearing by either party or at the direction of the committee chair, the parties shall exchange, no later than the third day prior to the hearing, lists of potential witnesses and copies of potential exhibits that they reasonably expect to present in their respective cases. Failure to participate in good faith in such a requested exchange may be cause for exclusion from the hearing of any witness or exhibit not disclosed, unless the party can show good cause for such failure.

(d) The committee chair may provide to the committee members in advance of the hearing copies of (i) the conduct officer's notification of imposition of discipline (or referral to the committee) and (ii) the notice of appeal (or any response to referral) by the respondent. If doing so, however, the chair should remind the members that these "pleadings" are not evidence of any facts they may allege.

(e) The parties may agree before the hearing to designate specific exhibits as admissible without objection and, if they do so, whether the committee chair may provide copies of these admissible exhibits to the committee members before the hearing.

(f) The vice president of instruction and student services (or designee) shall provide reasonable assistance to the respondent, upon request, in obtaining relevant and admissible evidence that is within the college's control.

(g) Communications between committee members and other hearing participants regarding any issue in the proceeding, other than procedural communications that are necessary to maintain an orderly process, are generally prohibited without notice and opportunity for all parties to participate; any

improper "ex parte" communication shall be placed on the record, as further provided in RCW 34.05.455.

(h) ~~((Each party))~~ Both parties may be accompanied at the hearing by a nonattorney assistant of ~~((his or her))~~ their choice. ~~((A))~~ Respondents may elect to be represented by an attorney at ~~((his or her))~~ their own cost, but will be deemed to have waived that right unless, at least four business days before the hearing, written notice of the attorney's identity and participation is filed with the committee chair with a copy to the student conduct officer. The committee will ordinarily be advised by an assistant attorney general. If the respondent is represented by an attorney, the student conduct officer may also be represented by a second, appropriately screened assistant attorney general.

(i) In circumstances involving more than one accused student, the student conduct officer may permit joint or separate hearings.

(2) Student disciplinary committee hearings - Presentation of evidence.

(a) Upon the failure of any party to attend or participate in a hearing, the committee may either (i) proceed with the hearing and issuance of its order or (ii) serve an order of default in accordance with RCW 34.05.440. If an accused student, with notice, does not appear before a student conduct administrative panel hearing, the information in support of the complaint is presented and considered in the absence of the accused student.

(b) The hearing will ordinarily be closed to the public. However, if all parties agree on the record that some or all of the proceedings should be open, the chair shall determine any extent to which the hearing will be open. If any person disrupts the proceedings, the chair may exclude that person from the hearing room.

(c) The chair shall cause the hearing to be recorded by a method that ~~((he or she))~~ the chair selects, in accordance with RCW 34.05.449. Panel deliberations are not recorded. That recording, or a copy, is property of the college, but shall be made available to the respondent upon written request. The chair shall assure maintenance of the record of the proceeding that is required by RCW 34.05.476, which shall also be available upon request for inspection and copying by the respondent. Other recording shall also be permitted, in accordance with WAC 10-08-190.

(d) The chair shall preside at the hearing and decide procedural questions that arise during the hearing, except as overridden by majority vote of the committee, and make rulings on the admissibility of evidence, motions, objections, and on challenges to the impartiality of board members, unless a hearing examiner is appointed as provided below. These rulings shall be made on the record. The Washington rules of evidence shall serve as guidelines for those rulings on the admissibility of evidence. Questions related to the order of the proceedings are also determined by the student conduct administrative panel chair.

(e) The vice president of ~~((instruction))~~ learning and student ~~((services))~~ success or a designee (unless represented by an assistant attorney general) shall present the case for disciplinary action. The facts justifying any such action must be established by a preponderance of the evidence.

(f) All testimony shall be given under oath or affirmation. The panel chair determines which records, exhibits, and written statements may be accepted as information for consideration by the panel. These rulings shall be made on the record. Evidence shall be admitted or excluded in accordance with RCW 34.05.452.

(g) The president of the college or designee, the chair of the student conduct administrative panel, the administrators assigned to the student conduct administrative panel, deans, and/or the student conduct officer have the authority to issue subpoenas.

(h) The accused student and the student conduct officer may arrange for witnesses to present pertinent information to the student conduct administrative panel. The accused students are responsible for informing their witnesses of the time and place of the hearing.

(i) The panel chair may accommodate concerns for the personal safety, well-being or fears of confrontation during the hearing by providing separate facilities, or by permitting participation by telephone, audio tape, written statement, or other means. In making such accommodations, the rights of the other parties must not be prejudiced and must have the opportunity to participate effectively in, to hear, and, if technically economically feasible, to see the entire proceeding while it is taking place.

(j) At the conclusion of the hearing, the panel shall permit the parties to make closing arguments in whatever form it wishes to receive them. The panel may also permit each party to propose findings, conclusions, and/or an order for its consideration.

(3) **Supplemental sexual misconduct procedures.** Both the respondent and the complainant in cases involving allegations of sexual misconduct shall be provided the same procedural rights to participate in student discipline matters, including the right to participate in the initial discipline action and to appeal the student conduct officer's disciplinary order.

Application of the following procedures is limited to student conduct code proceedings involving allegations of sexual misconduct. In such cases, these procedures shall supplement the student disciplinary procedures. In the event of conflict between the sexual misconduct procedures and the student disciplinary procedures, the sexual misconduct procedures shall prevail.

(4) **Supplemental definitions.** For purposes of student conduct code proceedings involving sexual misconduct, the following definitions apply:

(a) The "complainant" is the alleged victim of sexual misconduct. Complainant also refers to the college when the college files the complaint.

(b) "Sexual misconduct" is a sexual or gender-based violation of the student conduct code including, but not limited to:

(i) Sexual activity for which clear and voluntary consent has not been given in advance;

(ii) Sexual activity with someone who is incapable of giving valid consent because of being, for example, ~~((she or he is))~~ underage, sleeping or otherwise incapacitated due to alcohol or drugs;

(iii) Sexual harassment;

(iv) Sexual violence which includes, but is not limited to, sexual assault, domestic violence, intimate violence, and sexual- or gender-based stalking;

(v) Nonphysical conduct such as sexual- or gender-based digital media stalking, sexual- or gender-based online harassment, sexual- or gender-based cyberbullying, nonconsensual recording of a sexual activity, and nonconsensual distribution of a recording of a sexual activity.

(5) **Supplemental complaint process.** The following supplemental procedures shall apply with respect to complaints or other reports of alleged sexual misconduct by a student.

(a) The college's Title IX compliance officer shall investigate complaints or other reports of alleged sexual misconduct by a student. Investigations will be completed in a timely manner and the results of the investigation shall be referred to the student conduct officer for disciplinary action.

(b) Informal dispute resolution shall not be used to resolve sexual misconduct complaints without written permission from both the complainant and the respondent. If the parties elect to mediate a dispute, either party shall be free to discontinue mediation at any time. In no event shall mediation be used to resolve complaints involving allegations of sexual violence.

(c) College personnel will honor requests to keep sexual misconduct complaints confidential to the extent this can be done without unreasonably risking the health, safety and welfare of the complainant or other members of the college community or compromising the college's duty to investigate and process sexual harassment and sexual violence complaints.

(d) The student conduct officer, prior to initiating disciplinary action, will make a reasonable effort to contact the complainant to discuss the results of the investigation and possible disciplinary sanctions and/or conditions (if any) that may be imposed upon the respondent if the allegations of sexual misconduct are found to have merit.

(e) The student conduct officer, on the same date that a disciplinary decision is served on the respondent, will serve a written notice informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including disciplinary suspension or dismissal of the respondent. The notice will also inform the complainant of ~~((his or her))~~ their appeal rights. If protective sanctions and/or conditions are imposed, the student conduct officer shall make a reasonable effort to contact the complainant to ensure prompt notice of the protective disciplinary sanctions and/or conditions.

(f) Hearings involving sexual misconduct allegations shall be closed to the public, unless accused student and complainant both waive this requirement in writing and request that the hearing be open to the public. Complainant, accused student and their respective attorney representatives may attend portions of the hearing where argument, testimony and/or evidence are presented to the student conduct administrative panel.

(g) The complainant has the right to appeal an order of the student conduct administrative panel consistent with WAC 132R-04-150. In the event of an appeal by the accused

student or complainant, the chief student conduct officer shall provide a copy of the appeal to the nonappealing party. The complainant and accused student have the right to be accompanied by an advisor of their choosing during the appeal process at their own expense, but will be deemed to have waived that right unless they file a written notice of the attorney's identity and participation within four business days before the hearing with the chief student conduct officer.

AMENDATORY SECTION (Amending WSR 16-15-011, filed 7/8/16, effective 8/8/16)

WAC 132R-04-150 Appeal from student disciplinary committee initial order. (1) Appeal from student disciplinary committee initial order.

(a) A respondent who is aggrieved by the findings or conclusions issued by the student disciplinary committee may appeal the committee's initial order to the president by filing a notice of appeal with the president's office within twenty days of service of the committee's initial order.

(b) The notice of appeal must assign error to specific findings of fact and/or conclusions of law in the initial order and must contain argument regarding why the appeal should be granted. The president's review on appeal shall be limited to a review of those issues and arguments raised in the notice of appeal. Review shall be restricted to the record created below.

(c) The president shall provide a written order to all parties within forty-five days after receipt of the notice of appeal. The president's decision shall be final.

(d) The president may ~~(, at his or her)~~ exercise discretion ~~((;))~~ to suspend any disciplinary action pending review of the merits of the findings, conclusions, and disciplinary actions imposed.

(e) The president shall not engage in an ex parte communication with any of the parties regarding an appeal.

(2) Supplemental appeal rights for sexual misconduct cases.

(a) In addition to the appeal rights provided to the respondent above, a complainant may also appeal the following actions by the student conduct officer ~~((may be appealed by the complainant))~~:

(i) The dismissal of a sexual misconduct complaint; or
 (ii) Any disciplinary sanction(s) and conditions imposed against a respondent for a sexual misconduct violation, including a disciplinary warning.

(b) A complainant may appeal a disciplinary decision by filing a notice of appeal with the conduct review officer within twenty days of service of the notice of the discipline decision provided for in WAC 132R-04-140. The notice of appeal may include a written statement setting forth the grounds of appeal. Failure to file a timely notice of appeal constitutes a waiver of this right and the disciplinary decision shall be deemed final.

(c) If the respondent timely appeals a decision imposing discipline for a sexual misconduct violation, the college shall notify the complainant of the appeal, and provide the complainant an opportunity to intervene as a party to the appeal.

(d) Except as otherwise specified in this supplemental procedure, a complainant who timely appeals a disciplinary

decision or who intervenes as a party to respondent's appeal of a disciplinary decision shall be afforded the same procedural rights as are afforded the respondent.

(e) Respondents and complainants shall have the right to be accompanied by a nonattorney assistant of their choosing during the appeal process. Complainant may choose to be represented at the hearing by an attorney at ~~((his or her))~~ their own expense, but will be deemed to have waived that right unless, at least four business days before the hearing, he or she files a written notice of the attorney's identity and participation with the committee chair, and with copies to the respondent and the student conduct officer.

(f) During the proceedings, complainant and respondent shall not directly question or cross examine one another. All questions shall be directed to the chair, who will act as an intermediary and pose questions on the parties' behalf.

(g) Hearings involving sexual misconduct allegations shall be closed to the public, unless respondent and complainant both waive this requirement in writing and request that the hearing be open to the public. Complainant, respondent and their respective nonattorney assistants and/or attorneys may attend portions of the hearing where argument, testimony and/or evidence are presented to the student conduct committee.

(h) The student conduct committee will serve complainant a written notice indicating that an initial order has issued on the same date that the initial order is served on respondent. This notice shall inform the complainant whether the sexual misconduct allegations were found to have merit and describe any sanctions and/or conditions imposed upon the respondent for complainant's protection. The notice shall also provide directions on how the complainant can appeal the decision to the president.

(i) Complainant may appeal the student conduct committee's initial order to the president subject to the same procedures and deadlines applicable to other parties.

(j) The president will serve complainant a written notice indicating that the appeal has been resolved on the same date that the final order is served upon the respondent. This notice shall inform the complainant whether the sexual misconduct allegation was found to have merit and describe any sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent.