



# RULE-MAKING ORDER

**CR-103E (May 2009)**  
**(Implements RCW 34.05.360)**

**Agency:** Washington Department of Fish and Wildlife

**Emergency Rule Only**

**Effective date of rule:**

**Emergency Rules 09-153**

- Immediately upon filing.
- Later (specify) 12:01 p.m. August 6, 2009

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** Amend personal use fishing rules

**Citation of existing rules affected by this order:**

Repealed: WAC 232-28-61900S, WAC 232-28-61900U  
 Amended: WAC 232-28-619  
 Suspended:

**Statutory authority for adoption:** RCW 77.12.047 and RCW 77.04.020

**Other authority :**

**EMERGENCY RULE**

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.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, or 2011, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: Surplus pink salmon are available for harvest in the Skagit River. The Department is in the process of adopting permanent rules that are necessary to implement the personal use fishing plans agreed-to with resource co-managers 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.

**Date adopted:** July 31, 2009

**NAME (TYPE OR PRINT)**

Philip Anderson

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

**OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED**

**DATE: July 31, 2009**

**TIME: 12:34 PM**

**WSR 09-16-081**

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	<u>1</u>	Amended	_____	Repealed	<u>2</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

## NEW SECTION

### **WAC 232-28-61900U Exceptions to statewide rules—2009 North of Falcon.**

Notwithstanding the provisions of WAC 232-28-619, effective 12:01 p.m. August 6, 2009, until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

**(1) Baker River (Skagit County):** Mouth to Highway 20 Bridge: Salmon: closed. From Highway 20 Bridge at Concrete to fish barrier dam: Closed waters.

**(2) Hoh River (Jefferson County),** Outside of Olympic National Park:

(a) From Olympic National Park upstream to DNR Oxbow Campground Boat Launch, selective gear rules not in effect.

(b) Selective gear rules until further notice, from DNR Oxbow Campground Boat Launch to Willoughby Creek.

(c) Selective gear rules effective immediately until further notice, from Willoughby Creek to Olympic National Park Boundary below the mouth of South Fork.

**(3) Nisqually River (Pierce County),** from mouth to Military Tank Crossing Bridge: Salmon: Open immediately until further notice. Daily limit 6 fish, of which no more than 3 may be adult salmon; and of the adult salmon, only 2 may be any combination of pink, chum and coho. Release wild adult Chinook.

**(4) Naselle River (Pacific/Wahkiakum counties),** from Highway 101 Bridge upstream including all forks: Salmon: Open immediately until further notice, from Highway 101 Bridge to Highway 4 Bridge. Daily limit 6 fish, of which no more than 3 may be adult salmon; and of these 3 adult fish, no more than 2 may be adult Chinook and only 1 may be a wild adult coho. Release chum salmon.

**(5) Nemah River, North, Middle, and South:** Salmon: Open until further notice on Middle Nemah from mouth to DNR Bridge, and on South Nemah from mouth to confluence with Middle Nemah. Middle and South Nemah: Daily limit 6 fish, of which no more than 2 may be adult salmon; and of the two adult fish, no more than one may be a wild adult coho. Release chum.

**(6) Samish River (Whatcom County),** Salmon: Open until further notice from mouth to Thomas Road Bridge. Daily limit two salmon. Release wild coho.

**(7) Skagit River (Skagit/Whatcom counties):**

(a) From mouth to Memorial Highway Bridge (Highway 536 at Mt. Vernon): Salmon: Open 12:01 p.m. August 6 through August 9. Daily limit 2 salmon, only one of which may be an adult Chinook. Release chum, coho and sockeye. Night closure.

(b) From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek: Salmon: Open 12:01 p.m. August 6 through August 9. Daily limit 2 salmon, only one of which may be an adult Chinook. Release chum, coho and sockeye. Night closure.

(c) From the Dalles Bridge at Concrete to the Highway 530 Bridge at Rockport: Closed until further notice between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River. Anti-snagging rule and night closure until further notice. Salmon closed until further notice.

**(8) Willapa River (Pacific County):** Mouth to Highway 6 Bridge: Salmon: Open until further notice from mouth to Highway 6 Bridge approximately 2 miles below mouth of Trap Creek. Daily limit 6 fish, of which no more than 3 may be adult salmon; and of the adult salmon, not more than one may be a wild adult coho and not more than two may be adult Chinook. Release chum.

## REPEALERS

The following section of the Washington Administrative Code is repealed effective 12:01 p.m. August 6, 2009:

WAC 232-28-61900S Exceptions to statewide rules—2009 North of Falcon. (09-102)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 10, 2009:

WAC 232-28-61900U Exceptions to statewide rules—2009 North of Falcon.