



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 10-263

- Immediately upon filing.
- Later (specify) October 2, 1010

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Repealed: WAC 232-28-61900K, WAC 232-28-62100J
 Amended: WAC 232-28-619, WAC 232-28-621
 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 for this finding: Coho runs are low and hatcheries have not collected enough fish to meet egg-take goals. The fisheries will re-open if egg-take needs are met. There is insufficient time to adopt permanent rules.

Date adopted: September 29, 2010

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 29, 2010

TIME: 9:32 AM

WSR 10-20-067

(COMPLETE REVERSE SIDE)

**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:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	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>2</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:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

NEW SECTION

WAC 232-28-61900K Exceptions to statewide rules—Quilcene River, Lakes Washington and Sammamish.

Notwithstanding the provisions of WAC 232-28-619, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

(1) Quilcene River (Jefferson County): Effective October 2 through October 31, 2010, it is unlawful to fish in waters of the Quilcene River from the mouth to the electric weir at the Quilcene National Fish Hatchery.

(2) Lake Washington (King County): Effective October 2 through October 31, 2010, it is unlawful to fish for salmon.

(3) Lake Sammamish (King): Effective October 2 through November 30, 2010, it is unlawful to fish for salmon.

NEW SECTION

WAC 232-28-62100J Puget Sound salmon--Saltwater seasons and daily limits.

Notwithstanding the provisions of WAC 232-28-621, effective October 2 through October 15, 2010, it is unlawful to fish for salmon in Puget Sound except as provided for in this section, provided that unless otherwise amended, all permanent rules remain in effect: Waters of Quilcene Bay north of a true east line from Whitney Point to the Toandos Peninsula - closed.

REPEALERS

The following section of the Washington Administrative Code is repealed effective December 1, 2011:

WAC 232-28-61900K Exceptions to statewide rules—Quilcene River, Lake Washington and Lake Sammamish.

The following section of the Washington Administrative Code is repealed effective October 16, 2011:

WAC 232-28-62100J Puget Sound salmon--Saltwater seasons and daily limits.

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

(x) 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: Coho runs are low and hatcheries have not collected enough fish to meet egg-take goals. The fisheries will re-open if egg-take needs are met. There is insufficient time to adopt permanent rules.

(10-263, 9/29/2010)