



# RULE-MAKING ORDER

**CR-103E (July 2011)**  
**(Implements RCW 34.05.350)**

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

**Emergency Rule Only**

**Effective date of rule:**

**Emergency Rules 11-238**

- Immediately upon filing.
- Later (specify) 12:01 a.m. September 13, 2011

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

- Yes
  - No
- If Yes, explain:

**Purpose:** Amend recreational fishing rules

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

Repealed: WAC 232-28-62000J  
 Amended: WAC 232-28-620  
 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 year 2009, 2010, 2011, 2012, or 2013, 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: Hatchery Chinook salmon returning to the Makah National Fish Hatchery are not expected to make egg-take goals if normally scheduled fisheries occur. A sport closure around the river mouth is necessary. There is insufficient time to adopt permanent rules.

**Date adopted:** September 12, 2011

**NAME (TYPE OR PRINT)**  
Philip Anderson

**SIGNATURE**

**TITLE**  
Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: September 12, 2011**

**TIME: 4:17 PM**

**WSR 11-19-039**

**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>1</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 232-28-62000K Coastal salmon--Saltwater seasons and daily limits.**

Notwithstanding the provisions of WAC 232-28-620, effective 12:01 a.m. September 13, 2011, until further notice, it is unlawful to violate the following provisions:

- (1) Catch Record Card Area 1:** Open immediately through September 30. Daily limit of 2 salmon, only one of which can be a Chinook. Release wild coho.

  - a) October 1 until further notice - Closed.
  
- (2) Catch Record Card Area 2:** Open immediately through September 18. Daily limit of 2 salmon, only one of which can be a Chinook. Release wild coho.

  - a) September 19 until further notice - Closed.
  
- (3) Willapa Bay (Catch Record Card Area 2-1):** Open immediately until further notice. Daily limit of 6 salmon, of which not more than 3 may be adult salmon. Release chum and wild Chinook.
  
- (4) Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):**

  - a) Open September 16 until further notice. Daily limit of 2 salmon. Release Chinook and chum.
  - b) Notwithstanding the provisions of this subsection, Westport Boat Basin and Ocean Shores Boat Basin: Open only immediately until further notice. Daily limit of 6 salmon, of which not more than 4 may be adult salmon. Release wild Chinook.
  
- (5) Catch Record Card Area 3:**

  - a) Open immediately through September 18. Daily limit of 2 salmon, only one of which can be a Chinook. In years ending in odd numbers, one additional pink salmon may be retained as part of the daily limit. Release wild coho.
  - b) September 19 until September 23 - Closed.
  - c) Notwithstanding the provisions of this subsection, waters north of 47° 50'00"N latitude and south of 48°00'00"N latitude also open September 24 through October 9. Daily limit 2 salmon, only one of which can be a Chinook. In years ending in odd numbers, one additional pink salmon may be retained as part of the daily limit. Release wild coho.
  - d) October 10 until further notice - Closed.
  
- (6) Catch Record Card Area 4:**

  - a) Open immediately through September 18. Daily limit of 2 salmon, only one of which can be a Chinook. In years ending in odd numbers, one additional pink salmon may be retained as part of the daily limit. Release wild coho. Release chum salmon. Release Chinook east of the Bonilla-Tatoosh Line.
  - b) Effective September 13 waters east of the 124 degrees, 41 minutes line are closed, which is from Waatch Point to Anderson Point.
  - c) September 19 until further notice - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 13, 2011:

WAC 232-28-62000J Coastal salmon--Saltwater seasons and daily limits. (11-219)

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**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:** Hatchery Chinook salmon returning to the Makah National Fish Hatchery are not expected to make egg-take goals if normally scheduled fisheries occur. A sport closure around the river mouth is necessary. There is insufficient time to adopt permanent rules.  
(11-228, 9/12/2011)

