



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 12-142

- Immediately upon filing.
- Later (specify) July 14, 2012

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Repealed: WAC 232-28-61900L, WAC 232-28-61900V
 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 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: Early returns to the Wallace River Hatchery indicate that the hatchery run size is stronger than forecasted and that broodstock collection goals can be met even with a Skykomish River Fishery. Hatchery Chinook salmon are available for harvest, which will allow additional recreational fishing opportunity. There is insufficient time to adopt permanent rules.

Date adopted: July 11, 2012

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 11, 2012
TIME: 4:15 PM
WSR 12-15-029

**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>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:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

NEW SECTION

WAC 232-28-61900S Freshwater exceptions to statewide rules.

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

- 1. Baker Lake (Whatcom Co.):**
Salmon: Open until further notice. Daily limit three sockeye only. Minimum size 18 inches.
- 2. Green River (King Co.):** Closed to fishing from Auburn Black Diamond Road to the mouth of Cristy Creek.
- 3. Deschutes River (Thurston Co.):**
From the Old Highway 99 Bridge on Capitol Boulevard in Tumwater, upstream to the Henderson Boulevard Bridge near Pioneer Park: Selective gear rules when fishing for salmon.
- 4. Hoko River (Clallam Co.):**
From mouth to upper Hoko Bridge: Permissible to fish up to the hatchery ladder, except closed to fishing from shore on the hatchery side of the river from the ladder downstream 100 feet.
- 5. McAllister Creek (Thurston Co.):**
From mouth to Olympia-Steilacoom Road Bridge: Salmon: Open until further notice. Daily limit of six, and up to two adults may be retained.
- 6. Nooksack River (Whatcom Co):** Closed to salmon fishing.
- 7. Skagit River (Skagit Co.):**
From Memorial Highway Bridge (highway 536 at Mount Vernon), upstream to Gilligan Creek: Anti-snagging rule and night closure in effect until further notice. Salmon: Open through July 15, 2012. Daily limit of three sockeye.
- 8. Skykomish River (Snohomish Co.):**
Effective July 14 through August 15, 2012, it is permissible to fish for salmon from the mouth upstream to the mouth of the Wallace River.
 - (a) **From the Mouth to the Lewis Street Bridge in Monroe**, daily limit 2 hatchery Chinook, minimum size 12 inches in length. Starting August 1, night closure and anti-snagging rules in effect.
 - (b) **From the Lewis Street Bridge in Monroe to the Wallace River**, daily limit 2 hatchery Chinook, minimum size 12 inches in length. Night closure and anti-snagging rules in effect.
- 9. Skykomish River (Reiter Ponds outlet)**
Immediately through July 31, 2012, it is unlawful to fish from any floating device in waters 1,000 feet downstream to 1,500 feet upstream of Reiter Ponds outlet.

REPEALERS

The following sections of the Washington Administrative Code are repealed effective July 14, 2012:

WAC 232-28-61900L Exceptions to statewide rules—2012 North of Falcon. (12-72)

WAC 232-28-61900V Exceptions to statewide rules—Skykomish River (Reiter Ponds outlet)
(12-94)

EMERGENCY RULE ONLY

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(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.

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(12-142, 7/11/2012)

