



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 12-182

- Immediately upon filing.
- Later (specify) _____

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Repealed: WAC 220-56-10500F, WAC 220-56-12400K, WAC 220-56-28200L, WAC 232-28-62100P
 Amended: WAC 220-56-105, WAC 220-56-124, WAC 220-56-282, WAC 232-28-621
 Suspended:

Statutory authority for adoption: RCW 77.12.047, RCW 77.12.045 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: 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. The Puget Sound sturgeon change was intended as part of the sportfishing rulemaking process for 2012-2013 and is consistent with Columbia River Compact action.

Date adopted: August 17, 2012

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 17, 2012
TIME: 2:22 PM

WSR 12-17-104

**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	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in the agency's own initiative:

New	<u>4</u>	Amended	_____	Repealed	<u>4</u>
-----	----------	---------	-------	----------	----------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

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 220-56-10500G River mouth definitions.

Notwithstanding the provisions of WAC 220-56-105, when pertaining to angling for the White Salmon River, any reference to the mouth shall be construed to include those waters upstream and inside of a line projected between the outermost uplands at the mouth. The term “outermost uplands” shall be construed to mean those lands not covered by water during an ordinary high tide.

NEW SECTION

WAC 220-56-12400L Unlawful provisions—Hoodspout Hatchery.

Notwithstanding the provisions of WAC 220-56-124, effective immediately until further notice, those waters of Catch Record Card Area 12 within a 2,000-foot arc seaward of yellow buoys at the mouth of Finch Creek at the Hoodspout Salmon Hatchery are regulated as provided for in this section: Special daily limit of four salmon, of which no more than two salmon may be Chinook salmon greater than 24 inches in length. Release chum and wild Chinook.

NEW SECTION

WAC 220-56-28200M Sturgeon—Areas, seasons, limits and unlawful acts—Puget Sound.

Notwithstanding the provisions of WAC 220-56-282 and WAC 232-28-619, effective immediately until further notice, it is unlawful to violate the provisions below. Unless otherwise amended, all permanent rules remain in effect:

- (1) Puget Sound – It is unlawful to catch and release white sturgeon in Puget Sound and all Puget Sound tributaries unless the season for those waters is open for salmon or game fish.

NEW SECTION

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

Notwithstanding the provisions of WAC 232-28-621, 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 5:** Effective beginning September 15, lawful to retain wild coho.

- (2) **Catch Record Card Area 7:** Waters east of a line from Gooseberry Point to Sandy Point, closed September 4 through October 31.

(3) **Catch Record Card Area 8-2:** Waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort, to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point - immediately through September 3, open only from Friday through 11:59 a.m. Monday of each week; and September 8 through September 23, open only Saturday and Sunday of each week - Daily limit of 2 salmon. Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing. September 24 through September 30 - Same rules as remainder of Area 8-2.

(4) **Catch Record Card Area 10:** Waters of Elliott Bay east of a line from West Point to Alki Point, closed through August 31.

(5) **Catch Record Card Area 12:** Waters south of Ayock Point – release wild Chinook.

REPEALERS

The following sections of the Washington Administrative Code are repealed:

WAC 220-56-10500F River mouth definitions. (12-77)

WAC 220-56-12400K Unlawful provisions—Hoodsport Hatchery. (12-69)

WAC 220-56-28200L Sturgeon—areas, seasons, limits and unlawful acts—Puget Sound. (12-69)

WAC 232-28-62100P Puget Sound salmon—Saltwater seasons and daily limits. (12-69)

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: 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. The Puget Sound sturgeon change was intended as part of the sportfishing rulemaking process for 2012-2013 and is consistent with Columbia River Compact action.

(12-182, 8/17/2012)