



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 13-162

- 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Repealed: WAC 232-28-62100U
 Amended: WAC 232-28-621
 Suspended:

Statutory authority for adoption: RCW 77.12.045, 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: Preliminary estimates indicate that the encounters of legal size Chinook in Area 9 will exceed preseason expectations prior the end of the season. This regulation reduces the retention of salmon in Area 9 to a daily limit of one hatchery Chinook in order to minimize encounters of legal-size hatchery and wild Chinook and ensure compliance with conservation objectives and agreed-to management plans. 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 26, 2013

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 26, 2013

TIME: 3:59 PM

WSR 13-16-023

(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>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:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

NEW SECTION

WAC 232-28-62100V 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:

(2) **Catch Record Card Area 7:** Waters east of a line from Gooseberry Point to Sandy Point: Closed September 3 until further notice.

(2) **Catch Record Card Area 8-2:** Effective immediately through July 31: Closed, except 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 are open only from Friday through 11:59 a.m. the following Monday of each week, effective immediately through September 2 and Saturday through Sunday from September 7 through September 22: Daily limit 2, plus 2 additional pink salmon. Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing. Same rules as remainder of Area 8-2 apply from September 23 through September 30.

(3) **Catch Record Card Area 9:** From July 29 until further notice: All waters in Area 9, excluding Edmonds Fishing Pier and south of a line from Foulweather Bluff to Olele Point: No more than 1 Chinook may be retained. Release wild Chinook.

(4) **Catch Record Card Area 9:** Effective immediately through August 31: Closed south of a line from Foulweather Bluff to Olele Point, except it is permissible to fish from shore between the southern and the northern boundaries of Salisbury Point Park.

(5) **Catch Record Card Area 10:** Effective immediately until further notice, waters of Elliott Bay east of a line from West Point to Alki Point: Closed, except waters north of a line from Jack Block Park through the north end of Harbor Island to shore northeast of the North Waterway (47°35.47'N, 122°20.58'W) open August 16 through August 31, Friday through Sunday only of each week: Daily limit 2 salmon, plus 2 additional pink salmon. Release Chinook and chum. Bait prohibited. Hooks must measure ½" or less from point to shank.

(6) **Catch Record Card Area 10:** Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge in Bremerton, south of a line true west from Battle Point, and west of a line drawn true south from Point White: Effective immediately until further notice, daily limit of 3 salmon plus 1 additional pink salmon. Release wild Chinook. Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.

(7) **Catch Record Card Area 12:** Waters north of a line true east from Broad Spit: Open August 16 through September 15; daily limit 4 coho salmon only.

(8) **Catch Record Card Area 13:** Immediately until further notice: Daily limit of 2 salmon plus 2 additional pink salmon. Release wild coho and wild Chinook.

(9) **Catch Record Card Area 13:** Fox Island Public Fishing Pier, effective immediately until further notice: 2 additional pink salmon may be retained as part of the daily limit.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-62100U Puget Sound salmon—saltwater seasons and daily limits. (13-74)

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, 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: Preliminary estimates indicate that the encounters of legal size Chinook in Area 9 will exceed preseason expectations prior the end of the season. This regulation reduces the retention of salmon in Area 9 to a daily limit of one hatchery Chinook in order to minimize encounters of legal size hatchery and wild Chinook and ensure compliance with conservation objectives and agreed-to management plans. 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.