



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 15-412

- Immediately upon filing.
- Later (specify) November 3, 2015

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Repealed:
 Amended: WAC 232-28-620, WAC 220-310-180
 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: Washington Department of Fish and Wildlife examined hatchery rack returns, commercial fishery catch and sampling data, test fishery data, and spawning ground data. In-season run size projections from these data suggest that the natural-origin coho run size will be approximately 50% of the escapement goal. At that run-size, most of the allowable coho impacts have been utilized. Because the run-size for 2015 now appears to be far below the pre-season forecast, there is a reasoned basis for significantly reducing harvest to ensure the overall harvest rate objective is met. Based on all this information, an in-season modification of the commercial and recreational salmon fisheries is warranted to help ensure that conservation goals are met. Such an in-season adjustment requires immediate action and cannot wait for the time required to adopt a permanent rule amendment.

Date adopted: October 30, 2015

NAME (TYPE OR PRINT)
J W Unsworth

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 30, 2015
TIME: 5:02 PM

WSR 15-22-063

**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>2</u>	Amended	_____	Repealed	_____
-----	----------	---------	-------	----------	-------

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 232-28-62000V Coastal salmon—Saltwater seasons and daily limits.

Notwithstanding the provisions of WAC 232-28-620, effective November 3, 2015, until further notice, it is unlawful to take, fish for, or possess salmon taken by angling for personal use in Marine Area 2-1 (Willapa Bay).

NEW SECTION

WAC 220-310-18000G Freshwater exceptions to statewide rules—Coast.

Notwithstanding the provisions of WAC 220-310-180, effective November 3, 2015, until further notice:

- (1) Selective gear rules in effect in all Willapa Bay tributaries.
- (2) It is unlawful to take, fish for, or possess salmon taken by angling for personal use in Willapa Bay tributaries except:
 - (a) Naselle River (Pacific/Wahkiakum counties): Open for salmon only from the Highway 4 Bridge to the Crown Mainline (Salme) Bridge. Daily limit 2. Release all salmon except chum and hatchery coho.
 - (b) Willapa River (Pacific County): Open for salmon only from the Highway 6 Bridge to Fork Creek. Daily limit 2. Release all salmon except chum and hatchery coho.
 - (c) Fork Creek (Pacific County): Open for salmon. Salmon daily limit 2. Release all salmon except chum and hatchery coho.
 - (d) North Nemah River (Pacific County): Open for salmon immediately through November 30. Salmon daily limit 1. Release all salmon except chum.

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, 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: Washington Department of Fish and Wildlife examined hatchery rack returns, commercial fishery catch and sampling data, test fishery data, and spawning ground data. In-season run size projections from these data suggest that the natural-origin coho run size will be approximately 50% of the escapement goal. At that run-size, most of the allowable coho impacts have been utilized. Because the run-size for 2015 now appears to be far below the pre-season forecast, there is a reasoned basis for significantly reducing harvest to ensure the overall harvest rate objective is met. Based on all this information, an in-season modification of the commercial and recreational salmon fisheries is warranted to help ensure that conservation goals are met. Such an in-season adjustment requires immediate action and cannot wait for the time required to adopt a permanent rule amendment.

(15-412, 10/30/2015)