



# RULE-MAKING ORDER EMERGENCY RULE ONLY

## CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: May 14, 2019

TIME: 9:39 AM

WSR 19-11-058

**Agency:** Department of Fish and Wildlife (Order 19-99)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) May 25, 2019

**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 for the Green (Duwamish) River.

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

New:  
 Repealed:  
 Amended: WAC 220-312-040  
 Suspended:

**Statutory authority for adoption:** RCW 77.04.012, 77.04.020, 77.12.045 and 77.12.047

**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.

**Reasons for this finding:** This rule is necessary to open hatchery steelhead retention on the Green (Duwamish) River. Pre-season forecasts indicate harvestable numbers of hatchery steelhead are available. There is insufficient time to adopt permanent rules.

**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| Federal statute:                 | New | ___ | Amended | ___ | Repealed | ___ |
| Federal rules or standards:      | New | ___ | Amended | ___ | Repealed | ___ |
| Recently enacted state statutes: | New | ___ | Amended | ___ | Repealed | ___ |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New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_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 on the agency's own initiative:**

New 1 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 | ____ |

|                                   |
|-----------------------------------|
| <b>Date Adopted:</b> May 13, 2019 |
| <b>Name:</b> Kelly Susewind       |
| <b>Title:</b> Director            |

**Signature:**



NEW SECTION

**WAC 220-312-04000P Freshwater exceptions to statewide rules—Puget Sound.**  
Notwithstanding the provisions of WAC 220-312-040:

**Green (Duwamish) River (King Co.):** From an east-west line extending through the southernmost tip of Harbor Island to the Tacoma Municipal Watershed Boundary Marker (1 mile downstream of Tacoma Headworks Dam); except for areas of permanently Closed Waters:  
Hatchery steelhead daily limit is 2 fish.