



**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: July 30, 2019

TIME: 4:35 PM

WSR 19-16-065

Agency: Department of Fish and Wildlife (Order 19-171)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) August 1, 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 Puget Sound freshwater areas.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-312-04000L; WAC 220-312-04000V
 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: The Department is in the process of adopting permanent rules that are necessary to implement the state's share of the fishing plans agreed to with resource co-managers at the 2019 North of Falcon proceedings. These emergency rules are necessary to take advantage of the state's fishing opportunity that is imminent and will be available prior to the permanent rule, in a manner consistent with co-manager agreed fisheries.

The reason for the emergency rules are to meet conservation objectives and because the current 2018 permanent rule is inconsistent with the agreed 2019 North of Falcon fishery sharing package.

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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 2

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	____

Date Adopted: July 30, 2019
Name: Amy Windrope for Kelly Susewind
Title: Director

Signature:



NEW SECTION

WAC 220-312-04000V Freshwater exceptions to statewide rules—Puget Sound.

Notwithstanding the provisions of WAC 220-312-040, effective August 1 through August 12, 2019:

- 1. Big Soos Creek (King Co.):** Steelhead: daily limit 2 hatchery steelhead.
- 2. Chambers Creek (Pierce Co.):** Anti-snagging rule is not in effect.
- 3. Green (Duwamish) River (King County):** Steelhead: In areas open for gamefish; daily limit 2 hatchery steelhead.
- 4. McAllister Creek (Thurston County):** Salmon: Release chum, wild coho, and wild Chinook.
- 5. Nisqually River (Thurston County):** Salmon: Release all chum and wild Chinook.
- 6. Nooksack River (Whatcom County):** Salmon: Closed.
- 7. Pass Lake (Skagit County):** Gamefish: Statewide minimum length/daily limit, except: Release all trout.
- 8. Samish River (Skagit County),** from mouth to the I-5 Bridge: Salmon: Release pink salmon and wild coho.
- 9. Sammamish River (Slough) (King County),** from the 68th Ave. NE Bridge to Lake Sammamish: It is lawful to fish from a floating device equipped with an internal combustion motor.
- 10. Snohomish River (Snohomish County),** from the Burlington-Northern Railroad to Hwy. 9 Bridge, including all channels, sloughs, and interconnecting waterways, but excluding all tributaries: Salmon: Closed.
- 11. Whatcom Creek (Whatcom County),** from the mouth to the markers below the footbridge below Dupont Street in Bellingham: Salmon: Daily limit 2.

REPEALERS

The following sections of the Washington Administrative Code is repealed effective August 13, 2019:

WAC 220-312-04000V Freshwater exceptions to statewide rules—Puget Sound.

WAC 220-312-04000L Freshwater exceptions to statewide rules—Puget Sound. (19-88)