



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 15-206

- Immediately upon filing.
- Later (specify) July 18, 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 for low water and elevated water temperatures

Citation of existing rules affected by this order:

Repealed:
 Amended: WAC 220-310-190
 Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 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.
- 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: Drought and the resulting low water flows have had detrimental impacts to these waters. Water temperatures in the rivers are exceeding the upper limit of tolerance for salmonids and native game fishes. Angling and handling of ESA listed and/or wild salmon at these temperatures further reduces survival after release. The daily "Hoot Owl" closures are intended to reduce angling pressure and potential fish mortality by removing angling during periods of the day when fish are stressed from elevated temperatures. In addition, some streams are closed to angling because of record low flows due to lack of winter snowpack and rainfall. Stream flows have fallen low enough to concentrate fish into small areas of refugia where they are highly susceptible to angling, natural predation and poaching. There is insufficient time to adopt permanent rules.

Date adopted: July 17, 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: July 17, 2015

TIME: 3:52 PM

WSR 15-15-140

**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	_____
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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 220-310-19000C Freshwater exceptions to statewide rules—Puget Sound.

Notwithstanding the provisions of WAC 220-310-190, effective July 18, 2015, until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

- (1) **Raging River** (King Co.) From the mouth upstream closed to all fishing until further notice.
- (2) **Skykomish River** (Snohomish Co.) From mouth upstream closed to all fishing, except the section around Reiter Ponds remains open from the Gold Bar/Big Eddy Access (Hwy. 2 Bridge) upstream to the confluence of the North and South Forks until further notice.
- (3) **North Fork Skykomish River** (Snohomish Co.) From mouth upstream including all tributaries closed to all fishing daily 2 PM to midnight until further notice.
- (4) **South Fork Skykomish River** (Snohomish/King Co.) From Sunset Falls upstream and all tributaries, including the Beckler, Foss, Miller and Rapid rivers and their tributaries closed to all fishing daily 2 PM to midnight until further notice.
- (5) **Wallace River** (Snohomish Co.). From the mouth upstream including all tributaries closed to all fishing until further notice.
- (6) **Stillaguamish River** (Skagit/Snohomish Co.) From Marine Drive upstream including the North and South Forks and all tributaries closed to all fishing until further notice.
- (7) **South Fork Nooksack** (Whatcom Co.) From the mouth to Skookum Creek, and from Wanlick Creek to headwaters including Wanlick and all tributaries closed to all fishing until further notice.
- (8) **Sauk River** (Skagit/Snohomish Co.) From the confluence with the Suiattle River upstream including North Fork to the falls and South Fork to headwaters closed to all fishing daily 2 PM to midnight until further notice.
- (9) **Suiattle River** (Skagit Co.) Tributaries Buck, Downey and Sulpher Creeks closed to all fishing until further notice.
- (10) **Samish River** (Skagit Co.) From I-5 to headwaters and Friday Creek from the mouth upstream closed to all fishing daily 2 PM to midnight until further notice.

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(15-206, 7/17/2015)