



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 15-441

- Immediately upon filing.
- Later (specify) December 10, 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Repealed: WAC 220-310-18000I
 Amended: WAC 220-310-180
 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: An emergency rule is needed as the concerns about the predominate low flow conditions present in the Willapa Bay Basin earlier in the fall have subsided during the last few weeks with substantial amounts of rainfall. There is also a need to increase the effectiveness of the recreational steelhead fishery and their ability to remove hatchery steelhead from the system. There is insufficient time to adopt permanent rules.

Date adopted: December 8, 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: December 08, 2015

TIME: 2:08 PM

WSR 16-01-031

**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	1
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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	_____

ORDER NO. 15-441

NEW SECTION

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

Notwithstanding the provisions of WAC 220-310-180, effective December 10, 2015, until further notice, it is unlawful to take, fish for, or possess salmon taken by angling for personal use in Willapa Bay tributaries except:

- (1) Naselle River (Pacific/Wahkiakum counties): Open for salmon only from the Highway 401 Bridge to the Crown Mainline (Salme) Bridge. Daily limit 2. Release all salmon except chum and hatchery coho.
- (2) 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.
- (3) Fork Creek (Pacific County): Open for salmon. Salmon daily limit 2. Release all salmon except chum and hatchery coho.

REPEALER

The following section of the Washington Administrative Code is repealed effective December 10, 2015:

WAC 220-310-18000I Freshwater exceptions to statewide rules—Coast. (15-414)

EMERGENCY RULE ONLY

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() 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: An emergency rule is needed as the concerns about the predominate low flow conditions present in the Willapa Bay Basin earlier in the fall have subsided during the last few weeks with substantial amounts of rainfall. There is also a need to increase the effectiveness of the recreational steelhead fishery and their ability to remove hatchery steelhead from the system. There is insufficient time to adopt permanent rules.

(15-441, 12 8/2015)

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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.

