



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 16-127

☐ Immediately upon filing.

☒ Later (specify) June 1, 2016

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

Citation of existing rules affected by this order:

Repealed: WAC 232-28-62100C, WAC 220-56-51000C

Amended: WAC 232-28-621, WAC 220-56-510

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.
- ☐ 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: Endangered Species Act (ESA) coverage for Chinook and steelhead impacts expired April 30, 2016. This emergency rule modifies salmon fisheries to ensure compliance with ESA take and coverage for Chinook and steelhead until a permit is approved. There is insufficient time to adopt permanent rules.

Date adopted: May 31, 2016

NAME (TYPE OR PRINT)

J W Unsworth

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 31, 2016

TIME: 2:24 PM

WSR 16-12-096

(COMPLETE REVERSE SIDE)

**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>2</u>	Amended	_____	Repealed	<u>2</u>
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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 232-28-62100D Puget Sound salmon—saltwater seasons and daily limits.

Notwithstanding the provisions of WAC 232-28-621, effective immediately until further notice, it is unlawful to fish for salmon in Marine Area 8-2 (including Tulalip Terminal Area Fishery), Marine Area 10, Marine Area 11, Marine Area 13, and year-round piers (Marine Areas 9, 10, 11, and 13) . Unless otherwise amended, all permanent rules remain in effect.

WAC 220-56-51000D Game fish possession limits and size limits.

Notwithstanding the provisions of WAC 220-56-510, effective immediately until further notice, it is unlawful to retain steelhead in Marine Areas 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 13. Unless otherwise amended, all permanent rules remain in effect.

REPEALERS

The following sections of the Washington Administrative Code are repealed:

WAC 232-28-62100C Puget Sound salmon—saltwater seasons and daily limits. (16-89)

WAC 220-56-51000C Game fish possession limits and size limits. (16-89)

EMERGENCY RULE ONLY

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(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 , 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: Endangered Species Act (ESA) coverage for Chinook and steelhead impacts expired April 30, 2016. This emergency rule modifies salmon fisheries to ensure compliance with ESA take and coverage for Chinook and steelhead until a permit is approved. There is insufficient time to adopt permanent rules.

(16-127, 5/31/2016)

