



# 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 16-296**

- Immediately upon filing.
- Later (specify) October 22, 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 Puget Sound saltwater recreational fishing rules

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

Repealed: WAC 232-28-62100K  
 Amended: WAC 232-28-621  
 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: An emergency rule is needed to open Marine Area 13 to the retention of hatchery coho salmon. State and tribal co-managers previously agreed to keep the area closed to wild and hatchery coho retention due to the low number of coho projected to return this year. The co-managers agree there are sufficient numbers of fish returning to southern Puget Sound to allow the retention of hatchery coho. There is insufficient time to adopt permanent rules.

**Date adopted:** October 21, 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: October 21, 2016**

**TIME: 3:46 PM**

**WSR 16-22-016**

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	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	<u>1</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:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

## NEW SECTION

### **WAC 232-28-62100N Puget Sound salmon—saltwater seasons and daily limits.**

Notwithstanding the provisions of WAC 232-28-621, effective October 22, 2016, until further notice, it is permissible to retain hatchery coho salmon as part of the daily limit in Marine Area 13. Unless otherwise amended, all permanent rules remain in effect:

## REPEALER

The following section of the Washington Administrative Code is repealed effective October 22, 2016:

WAC 232-28-62100K Puget Sound salmon—saltwater seasons and daily limits. (16-270)

**Reasons for this finding:** There are sufficient hatchery coho returning to Squaxin Island Tribal Net Pens to allow the retention of hatchery coho while not increasing impacts on Chinook and coho as Marine Area 13 is scheduled to open October 1, 2016. This emergency rule is needed to provide for additional angling opportunity of the harvestable surplus of hatchery coho. There is insufficient time to adopt permanent rules.