



# 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 16-308**

- Immediately upon filing.
- Later (specify) 12:01 a.m. November 16, 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 commercial fishing rules for Willapa Bay

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

Repealed: WAC 220-40-02700F, WAC 220-40-02700G  
 Amended: WAC 220-40-027  
 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: This emergency rule is needed to re-open the November commercial fishery. Data collected during spawning ground surveys indicate that the chum return is larger than the preseason forecast, which ensures that conservation and management objectives are achieved. There is insufficient time to adopt permanent rules.

**Date adopted:** November 15, 2016

**NAME (TYPE OR PRINT)**  
Kelly J Cunningham for J W Unsworth

**SIGNATURE**

**TITLE**  
Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: November 15, 2016**

**TIME: 4:59 PM**

**WSR 16-23-081**

**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>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:**

<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 220-40-02700G Willapa Bay salmon—fall fishery.**

Notwithstanding the provisions of WAC 220-40-027, effective 12:01 a.m. November 16, 2016 through 11:59 p.m. November 18, 2016 and 12:01 a.m. November 21, 2016 through 11:59 p.m. November 25, 2016, it is lawful to fish for salmon for commercial purposes in waters of Willapa Bay Salmon Management Reporting Areas 2M, 2N, 2R, 2T, and 2U, provided that unless otherwise amended, all permanent rules remain in effect.

## REPEALERS

The following section of the Washington Administrative Code is repealed effective 12:00 a.m. November 16, 2016:

WAC 220-40-02700F Willapa Bay salmon—fall fishery. (16-302)

The following section of the Washington Administrative code is repealed effective 12:00 a.m. November 26, 2016:

WAC 220-40-02700G Willapa Bay salmon—fall fishery.

