



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (August 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 13, 2017

TIME: 1:33 PM

WSR 17-19-059

Agency: Department of Fish and Wildlife (Order 17-249)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) September 15, 2017.

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 salmon fishing rules for the Nooksack River

Citation of rules affected by this order:

New:
 Repealed: WAC 220-312-04000F; WAC 220-312-04000V
 Amended: WAC 220-312-040
 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.

Reasons for this finding: This emergency rule is necessary to protect returning pink runs to the Nooksack River Watershed (permanent regulations are already in place requiring release of wild chinook salmon). In-season run-size assessments conducted by state and tribal co-managers indicate that pink run sizes are below pre-season forecasts in the Nooksack. There is insufficient time to adopt permanent rules.

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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 on 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	Amended	___	Repealed	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:

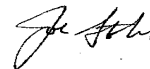
Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date adopted: September 13, 2017

Name: Joe Stohr for J W Unsworth

Title: Director

Signature:



NEW SECTION

WAC 220-312-04000V Exceptions to statewide rules – Puget Sound -- Nooksack River; Nooksack River, North Fork; Nooksack River, South Fork .

Notwithstanding the provisions of WAC 220-312-040, effective September 15, through December 31, 2017, it is unlawful to violate the provisions below. Unless otherwise amended, all permanent rules remain in effect:

(1) Nooksack River and all forks (Whatcom):

- (i) Salmon: Release all pinks

REPEALERS

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 220-312-04000F Puget Sound – Freshwater exceptions to statewide rules.

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. December 31, 2017:

WAC 220-312-04000V Puget Sound – Freshwater exceptions to statewide rules.

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

(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 2009, 2010, or 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 necessary to protect returning pink runs to the Nooksack River Watershed (permanent regulations are already in place requiring release of wild chinook salmon). In-season run-size assessments conducted by state and tribal co-managers indicate that pink run sizes are below pre-season forecasts in the Nooksack. There is insufficient time to adopt permanent rules. (17-249, 09/12/2017)