



# RULE-MAKING ORDER EMERGENCY RULE ONLY

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

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: October 09, 2017

TIME: 1:52 PM

WSR 17-21-020

**Agency:** Washington Department of Fish and Wildlife (17-277)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.  
 Later (specify) October 10, 2017

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** Closes the lower Samish River to all fishing

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

New:  
Repealed:  
Amended: WAC 220-312-040  
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.

**Reasons for this finding:** The return of fall Chinook to the Samish Hatchery is projected to be below the number needed to meet egg take goals. This emergency rule is needed to close the fishing season in the lower Samish River which will increase the number of hatchery fish available for broodstock and ensure future hatchery returns. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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	Amended	___	Repealed	___
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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:** October 9, 2017


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**Name:** Joe Stohr for J W Unsworth

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**Title:** Director

**Signature:**



NEW SECTION

**WAC 220-312-04000Y Freshwater exceptions to statewide rules—Puget Sound.**

Notwithstanding the provisions of WAC 220-312-040, effective October 10, 2017, until further notice, it is unlawful to fish in those waters of the Samish River from the mouth (Bayview-Edison Road) to I-5 Bridge.