



# 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: December 19, 2017

TIME: 2:30 PM

WSR 18-01-125

**Agency:** Department of Fish and Wildlife (17-341)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.  
 Later (specify)

**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 Nisqually River

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

New:  
Repealed: WAC 220-312-04000A; WAC 220-312-04000C  
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 needed to open a portion of the Nisqually River to recreational salmon fishing. Based on spawner survey information counts of spawning chum salmon have reached the goal of 18,000 in the Nisqually River. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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	Amended	___	Repealed	1
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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:** December 19, 2017

**Name:** J W Unsworth

**Title:** Director

**Signature:**



## NEW SECTION

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

Notwithstanding the provisions of WAC 220-312-040, effective immediately through January 31, 2018, the following rules apply. Unless otherwise amended all permanent rules remain in effect.

(1) The Nisqually River from the mouth to military tank crossing bridge (located one mile upstream of mouth of Muck Creek) Open for fishing:

- (a) Limit 6 salmon; no more than 2 adults may be retained.
- (b) Release gamefish and wild Chinook salmon.

## REPEALERS

The following section of the Washington Administrative Code is repealed:

WAC 220-312-04000A Freshwater exceptions to statewide rules—Puget Sound. (17-327)

The following section of the Washington Administrative Code is repealed effective February 1, 2018:

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