



# RULE-MAKING ORDER EMERGENCY RULE ONLY

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

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: August 07, 2018

TIME: 11:50 AM

WSR 18-17-036

**Agency:** Department of Fish and Wildlife (Order 18-192)

**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:** Amends recreational fishing rules for the Nisqually River.

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

New:  
 Repealed: WAC 220-312-04000R; WAC 220-312-04000S  
 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 comply with with fisheries agreements made with co-managers during North of Falcon proceedings. It is needed to avoid gear conflicts between tribal and recreational fishers. 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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____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New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted on the agency's own initiative:**

New 1 Amended \_\_\_\_ Repealed 2

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**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	____

<b>Date Adopted:</b> August 7, 2018	<b>Signature:</b> 
<b>Name:</b> Joe Stohr for Kelly Susewind	
<b>Title:</b> Director	

## NEW SECTION

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

Notwithstanding the provisions of WAC 220-312-040, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect; effective immediately through September 30, 2018:

Nisqually River (Thurston Co.); from the mouth to military tank crossing bridge (located one mile upstream of mouth of Muck Creek): Closed waters on Sunday of each week.

## REPEALERS

The following section of the Washington Administrative Code is repealed effective immediately:

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

The following section of the Washington Administrative Code is repealed effective November 1, 2018:

WAC 220-312-04000S