



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: September 26, 2018

TIME: 5:05 PM

WSR 18-20-056

Agency: Department of Fish and Wildlife (Order 18-266)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) September 27, 2018

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 Willapa Bay and it's tributaries.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-312-02000F; WAC 220-313-07000K
 Amended: WAC 220-312-020; WAC 220-313-070
 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 is needed to open recreational salmon fisheries in Willapa Bay and the Willapa Bay Control Zone targeting coho and to close salmon seasons for Willapa Bay tributaries scheduled to open October 1. Fall chinook returning to tributaries of Willapa Bay have been significantly lower than preseason predictions and hatchery returns are lower than needed to make egg take at this time. Historic run-timing and stock composition data suggests minimal Fall Chinook encounters are likely to occur in marine area fisheries. 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| Federal statute: | New | ___ | Amended | ___ | Repealed | ___ |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 2 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 | ____ |

| | |
|---|--|
| Date Adopted: September 26, 2018 | Signature:  |
| Name: Joe Stohr for Kelly Susewind | |
| Title: Director | |

NEW SECTION

WAC 220-312-02000G Freshwater exceptions to statewide rules--Coast.

Notwithstanding the provisions of WAC 220-312-020, effective October 1, 2018 until further notice the following rules apply. Unless otherwise amended, all permanent rules remain in effect:

- (1) Salmon angling is closed in the following waters:
 - (a) Bear River (Pacific Co.)
 - (b) Naselle River (Pacific Co.)
 - (c) Nemah River, Middle (Pacific Co.)
 - (d) Nemah River, North (Pacific Co.)
 - (e) Nemah River, South (Pacific Co.)
 - (f) Willapa River (Pacific Co.)
 - (g) Willapa River, South Fork (Pacific, Co.)
 - (h) North River (Grays Harbor, Pacific Co.)
 - (i) Smith Creek (Pacific Co.)

NEW SECTION

WAC 220-313-07000L Coastal Salmon—Saltwater seasons and daily limits.

Notwithstanding the provisions of WAC 220-313-070, effective September 27, 2018 until further notice the following rules apply. Unless otherwise amended, all permanent rules remain in effect: Marine Area 2-1 (Willapa Bay) and the Willapa Bay Control Zone, salmon daily limit is 6, up to 2 adults may be retained. Release Chinook.

REPEALERS

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

WAC 220-312-02000F Freshwater exceptions to statewide rules--Coast.

The following section of the Washington Administrative Code is repealed effective September 27, 2018:

WAC 220-313-07000K Coastal Salmon—Saltwater seasons and daily limits.

