



**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: 5:18 PM

WSR 18-20-057

Agency: Department of Fish and Wildlife (Order 18-265)

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 commercial salmon rules for Willapa Bay.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-354-25000A
 Amended: WAC 220-354-250
 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 limited commercial salmon fisheries in Willapa Bay. 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 during these selected fisheries.

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New ____ Amended ____ Repealed ____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New 1 Amended ____ Repealed 1

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 220-354-25000B Willapa Bay salmon fall fishery.

Notwithstanding the provisions of WAC 220-354-250, effective September 27, 2018, until further notice:

(1) It is unlawful to fish for commercial purposes in Willapa Bay Salmon Management and Catch reporting Areas except gillnet gear may be used to fish for coho salmon and chum salmon in:

Area	Time	Date(s)	Maximum Mesh Size
2N	7:00 a.m. through 7:00 p.m.	9/27, 9/28	6.5"
2T	7:00 a.m. through 7:00 p.m.	9/27, 9/28	6.5"

(2) Retention of any species other than coho or chum salmon is prohibited.

REPEALER

The following section of the Washington Administrative Code is repealed effective September 27, 2018:

WAC 220-354-25000A Willapa Bay salmon fall fishery.