



# 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: October 05, 2018

TIME: 3:18 PM

WSR 18-21-029

**Agency:** Department of Fish and Wildlife (Order 18-281 )

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) October 6, 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 fishing rules for Willapa Bay.

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

New:  
 Repealed: WAC 220-354-25000C  
 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:** During September all fisheries in Willapa Bay were constrained or closed in response to indicators which suggested that the Willapa Bay Fall Chinook return was significantly lower than preseason predictions. More recent information shows minimal Fall Chinook encounters are occurring in the commercial fishery and will further decrease as we approach the end of the return. In-season estimates for coho stock abundance are consistent with pre-season expectation and chum encounters are tracking near pre-season expectations. Therefore, with this emergency rule, commercial fisheries in Willapa Bay are being returned to pre-season openings in the adopted rules from North of Falcon, chinook retention remains closed. 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 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	____

<b>Date Adopted:</b> October 5, 2018	<b>Signature:</b> 
<b>Name:</b> Kelly Susewind	
<b>Title:</b> Director	

## NEW SECTION

### **WAC 220-354-25000D Willapa Bay salmon fall fishery.**

Notwithstanding the provisions of WAC 220-354-250, effective October 6, 2018, until further notice:

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

## REPEALER

The following section of the Washington Administrative Code is repealed effective October 6, 2018:

WAC 220-354-25000C Willapa Bay salmon fall fishery. (18-271)