



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: May 19, 2020

TIME: 9:19 AM

WSR 20-11-054

Agency: Department of Fish and Wildlife (Order 20-82)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) May 23, 2020

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: This emergency rule is needed to close fishing seasons in the Nisqually River from the military tank crossing bridge to 400 feet downstream of the LaGrande Power House. .

Citation of rules affected by this order:

New:
 Repealed: WAC 220-312-04000N
 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 close recreational fishing in the upper Nisqually River. These measures are being taken to protect wild adult steelhead and juvenile salmon that remain in the river. These measures were agreed to with comanagers during the 2020 North of Falcon proceedings. This rule is entered in the permanent rule making process. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New ____ Amended ____ Repealed ____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	____

Date Adopted: May 19, 2020

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Effective May 23 through June 30, 2020, the following provisions of WAC 220-312-040 regarding recreational fishing seasons for the Nisqually River, shall be as described below. All other provisions of WAC 220-312-040 not addressed herein, or unless otherwise amended, remain in effect:

Nisqually River (Pierce and Thurston Counties) from the military tank crossing bridge (located one mile upstream from the mouth of Muck Creek) to 400 feet downstream of the LaGrande Power House:

All species: Closed Waters.

REPEALER

The following section of the Washington Administrative Code is repealed effective July 1, 2020:

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