



# 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: July 15, 2020

TIME: 8:52 AM

WSR 20-15-082

**Agency:** Department of Fish and Wildlife (Order 20-135)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) July 18, 2020

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

- Yes  No If Yes, explain:

**Purpose:** The purpose of this rule is to open sockeye retention seasons in Baker Lake.

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

- New:
- Repealed: WAC 220-312-04000Q
- 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 to open seasons for sockeye salmon in Baker Lake. The 2020 Baker Lake sockeye preseason forecast was especially low this year, in response, WDFW initially took a conservative approach. Some thought it was unlikely that numbers of returning fish would be sufficient for a recreational fishery while others thought a fishery was possible but wanted to wait until we had updated run size data before scheduling one. It was decided to put a placeholder in the List of Agreed-to Fisheries (LOAF) whereby a fishery could be evaluated if 2,500 sockeye were hauled to the lake. As of July 12, over 2,500 sockeye have been hauled to the lake, thus initiating a discussion with the co-managers who have agreed with WDFW that a recreational sockeye fishery within the lake may begin on July 18. WDFW plans to closely monitor the fishery to ensure the allowable harvest is not exceeded, which is when the estimated fish remaining in the lake is 1,500. The length of the fishery will depend on how many fish are caught and the number of new fish being hauled. The fishery could close earlier than the anticipated closing date of September 7<sup>th</sup> if escapement and conservation goals appear to be in jeopardy.

The Department finds that opening the Baker Lake sockeye fishery through the adoption of this rule promotes the general public welfare and that observing the time requirements of notice and opportunity to comment upon the adoption of a permanent rule is contrary to the public's interest. 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	___
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**The number of sections adopted on the agency's own initiative:**


New	1	Amended	___	Repealed	<u>1</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	___	Repealed	___
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**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> July 14, 2020	<b>Signature:</b> 
<b>Name:</b> Kelly Susewind	
<b>Title:</b> Director	

## NEW SECTION

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

Effective July 18 through September 7, 2020, the following provisions of WAC 220-312-040 regarding recreational salmon seasons fishing for Baker Lake, shall be as described below. All other provisions of WAC 220-312-040 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

Baker Lake (Whatcom Co.): Salmon:

- (a) Daily limit 2 sockeye only. Minimum size 18 inches.
- (b) Each angler aboard a vessel may deploy salmon angling gear until the daily salmon limit for all anglers aboard has been achieved.

## REPEALER

The following section of the Washington Administrative Code is repealed effective September 8, 2020:

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