



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (August 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 31, 2020

TIME: 3:34 PM

WSR 20-18-065

Agency: Washington Department of Fish and Wildlife (20-169))

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify)

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

- Yes No If Yes, explain:

Purpose: Amends freshwater fishing rules for Voight Creek

Citation of rules affected by this order:

New:
Repealed: WAC 220-312-04000S
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 closure of a portion of Voight Creek is needed to ensure orderly fisheries and protect returning adult chinook salmon broodstock in order to meet the egg take goals at Voights Creek Hatchery needed for future production. Previously, in the department's permanent rule, the lower creek below the hatchery intake had been closed; however, through the permanent sportfishing rule simplification process, this closure was accidentally removed. There have been a few anglers observed snagging fish in the area and, with the opening of the Carbon tomorrow, such activities could increase as overall fishing activity in the area increases, which would potentially jeopardize our ability to ensure egg take goals at Voights Creek hatchery are met. The department intends to address this problem through its permanent rulemaking process for next year.

**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	1
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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	___

Date adopted: August 31, 2020

Name: Kelly Suserwind

Title: Director

Signature:



NEW SECTION

WAC 220-312-04000S Freshwater exceptions to statewide rules – Puget Sound.

Notwithstanding the provisions of WAC 220-312-040, effective immediately through October 31, 2020, it is unlawful to violate the provisions below. All other provisions of WAC 220-312-040 not addressed herein, or unless otherwise amended by emergency rule remain in effect.

Voight Creek (Pierce County): From mouth to hatchery rack: Closed

REPEALER

The following section of the Washington Administrative Code is repealed November 1, 2020:

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