



RULE-MAKING ORDER

CR-103E (May 2009)
(Implements RCW 34.05.360)

Agency: Washington Dept. of Fish and Wildlife

Emergency Rule Only

Effective date of rule:

Emergency Rules

- Immediately upon filing. 09-154
- 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: The purpose of the emergency rule is to amend hunting rules by removing Game Management Unit (GMU) 330 West Bar from the general elk hunting season, as described in WAC 232-28-352.

Citation of existing rules affected by this order:

Repealed: WAC 232-28-35200F
 Amended: WAC 232-28-352
 Suspended:

Statutory authority for adoption: RCW 77.12.047; 77.12.020; 77.12.570; 77.12.210; 77.12.150; 77.12.240

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.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, or 2011, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: GMU 330 was inadvertently included in the general season; this was not the intention of the Agency. In the past when this GMU was open for general season elk hunting, groups of elk have crossed the Columbia River in response to hunting activity. Elk crossing the river occupy private land that is developed for housing, agriculture, and golf courses. When this happens, the situation deteriorates into a wildlife nuisance and agricultural damage scenario. In addition, allowing elk on the "wrong" side of the river creates an attractive nuisance and public hunting is a less appropriate tool in this area than it is in other damage situations. To protect public welfare, this error in the hunting regulations needs to be resolved and there is insufficient time to create rules to correct this error outside the emergency rule process.

Date adopted: August 18, 2009

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Interim Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 21, 2009
TIME: 10:22 AM

WSR 09-18-014

**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 in the agency's own initiative:

New	<u>1</u>	Amended	_____	Repealed	<u>1</u>
-----	----------	---------	-------	----------	----------

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	_____

NEW SECTION

WAC 232-28-35200F 2009-2011 Elk general seasons and definitions.

Notwithstanding the provisions of WAC 232-28-352, effective immediately until November 9, 2009, remove Game Management Unit 330 West Bar from the general elk hunting season.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. November 8, 2009.

WAC 232-28-35200F 2009-2011 Elk general seasons and definitions.