RULE-MAKING ORDER

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

Agency: Washington Department of Fish and Wildlife

Emergency Rule Only

Effective date of rule:
Emergency Rules 09-205
☐ Immediately upon filing.
☒ Later (specify) September 22, 2009

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
☐ Yes ☒ No If Yes, explain:

Purpose: Amend personal use fishing rules

Citation of existing rules affected by this order:
Repealed: WAC 232-28-61900R
Amended: WAC 232-28-619
Suspended:

Statutory authority for adoption: RCW 77.12.047 and RCW 77.04.020

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 for this finding: Returns of hatchery and natural-origin summer-run steelhead to the Upper Columbia River have far exceeded the run criteria of 9,300 counted over Priest Rapids Dam required to open a conservation-based fishery under ESA. There is insufficient time to adopt permanent rules.

Date adopted: September 21, 2009

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 21, 2009
TIME: 3:04 PM

WSR 09-19-108

(COMPLETE REVERSE SIDE)

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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____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 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	_____

N E W S E C T I O N

WAC 232-28-61900R Exceptions to statewide rules—Columbia River.

Notwithstanding the provisions of WAC 232-28-619:

(1) Effective September 22, through October 31, 2009, a person may fish for steelhead in waters of the Columbia River from the Highway 395 Bridge upstream to the Old Hanford townsite wooden powerline towers. Daily limit, three hatchery steelhead; minimum size is 20 inches.

(2) Effective September 22, through October 22, 2009, a person may fish for steelhead in waters of the Columbia River from the Hanford wooden powerline towers upstream to Priest Rapids Dam. Daily limit, three hatchery steelhead; minimum size is 20 inches.

R E P E A L E R

The following section of the Washington Administrative Code is repealed effective November 1, 2009:

WAC 232-28-61900R Exceptions to statewide rules—Columbia River.