



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 09-242

- Immediately upon filing.
- Later (specify) October 16, 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Repealed: WAC 232-28-61900C
 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 finding: Based upon recent field observations, large numbers of early stock coho have been holding in the lower Grays. Originally, the salmon and steelhead season was scheduled to close Oct. 15. This extension will allow additional opportunity to harvest surplus hatchery fish. However, it will close before larger numbers of Endangered Species Act listed chum are typically present. There is insufficient time to adopt permanent rules.

Date adopted: October 15, 2009

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 15, 2009

TIME: 11:10 AM

WSR 09-21-059

**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 in the agency's own initiative:

New	<u>1</u>	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	_____

NEW SECTION

WAC 232-28-61900C Exceptions to statewide rules—Grays River.

Notwithstanding the provisions of WAC 232-28-619, effective October 16, through October 25, 2009, a person may fish in those waters of the Grays River from the mouth to South Fork, and in West Fork Grays from the mouth to the hatchery intake/footbridge. Daily limit six salmon, of which no more than two may be adult Chinook; minimum size is 12 inches in length. Daily limit two hatchery steelhead; minimum size is 20 inches in length. Release all chum, wild coho, wild Chinook, and wild steelhead. Night closure, anti-snagging, and stationary gear restrictions in effect.

REPEALER

The following section of the Washington Administrative Code is repealed effective October 26, 2009:

WAC 232-28-61900C Exceptions to statewide rules—Grays River.