



RULE-MAKING ORDER

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

Agency: Department of Fish and Wildlife

Emergency Rule Only

Effective date of rule:

Emergency Rules 09-241

- Immediately upon filing.
- Later (specify) October 21, 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Repealed: WAC 232-28-61900V
 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: Sufficient numbers of wild steelhead have moved upriver from this section, allowing anglers additional opportunity to harvest adipose fin-clipped steelhead with minimal impact to wild fish. The fishery will reduce the number of excess hatchery-origin steelhead and consequently increase the proportion of natural-origin steelhead on the spawning grounds. 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: 2:01 PM

WSR 09-21-063

**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 232-28-61900B Exceptions to statewide rules--Columbia, Entiat, Icicle, Methow, Okanogan, Similkameen, and Wenatchee Rivers

Notwithstanding the provisions of WAC 232-28-619, effective October 21, 2009, until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

Mandatory retention of adipose fin-clipped hatchery origin steelhead. Release any steelhead with one or more round holes punched in the caudal (tail) fin. Current salmon and all other game fish gear rules do not apply during steelhead season.

- (1) Effective immediately until further notice, a person may fish for steelhead in the Columbia River from Rock Island Dam to 400 feet below Chief Joseph Dam. Selective gear rules, except bait and motorized vessels allowed. Night closure in effect. Daily limit may contain up to four adipose fin-clipped steelhead; minimum size 20 inches.
- (2) Effective immediately until further notice, a person may fish for steelhead in the Entiat River upstream from the Alternate Highway 97 Bridge near the mouth of the Entiat River to 800 feet downstream of the Entiat National Fish Hatchery outfall. Night closure and selective gear rules apply, except motorized vessels allowed. Daily limit may contain up to four adipose fin-clipped steelhead; minimum size 20 inches.
- (3) Effective immediately through November 15, 2009, a person may fish for salmon and steelhead in waters of Icicle River from the mouth to 500 feet downstream of Leavenworth National Fish Hatchery Barrier Dam. Night closure and selective gear rules apply. Daily limit may contain up to four adipose fin-clipped steelhead, minimum size 20 inches; and three coho salmon, minimum size 12 inches. Release all floy-tagged coho.
- (4) Effective immediately until further notice, a person may fish for steelhead in waters of the Methow River from the Hwy. 97 Bridge in Pateros upstream to the confluence with the Chewuch River. Night closure and selective gear rules apply, except motorized vessels allowed from the Hwy. 97 Bridge in Pateros upstream to the second powerline crossing upstream of Pateros. Whitefish gear rules do not apply. Daily limit may contain up to four adipose fin-clipped steelhead; minimum size 20 inches.
- (5) Effective immediately until further notice, a person may fish for steelhead in the Okanogan River, except CLOSED WATERS from the Lake Osoyoos Control Dam (Zosel Dam) downstream to the first Hwy 97 Bridge below Oroville, Washington. Night closure and selective gear rules apply, except motorized vessels are allowed. Daily limit may contain up to four adipose fin-clipped steelhead; minimum size 20 inches.
- (6) Effective November 1, 2009, until further notice, a person may fish for steelhead in waters of the Similkameen River from the mouth to 400 feet below Enloe Dam. Night closure and selective gear rules apply. Daily limit may contain up to four adipose fin-clipped steelhead; minimum size 20 inches.

(7) Effective immediately until further notice, a person may fish for steelhead in waters of the Wenatchee River from the mouth to the sign about 800 feet below the downstream side of Tumwater Dam. Night closure and selective gear rules apply. Daily limit may contain up to four adipose fin-clipped steelhead; minimum size 20 inches.

REPEALER

The following section of the Washington Administrative Code is repealed effective October 21, 2009:

WAC 232-28-61900V Exceptions to statewide rules--Columbia, Entiat, Icicle, Methow, Okanogan, Similkameen, and Wenatchee Rivers. (09-227)