



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 10-27

- Immediately upon filing.
- Later (specify) February 12, 2010

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Repealed: WAC 232-28-61900S
 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: Allowable impacts to natural origin steelhead due to angling on the Wenatchee River will be met by the end of February, and the fishery will close at midnight February 28, 2010. In addition, sections of the Okanogan River around the mouths of Omak and Tonasket creeks are closed to protect natural origin steelhead staging prior to spawning in those tributaries. Anglers may retain hatchery adipose fin-clipped steelhead, with circular (hole) punches in the caudal (tail) fin, in areas of the Columbia River that remain open to steelhead fishing. Circular (hole) punches were put in the caudal (tail) fin for sampling and monitoring purposes at Priest Rapids Dam, and these fish are no longer needed for monitoring and can now be legally retained. There is insufficient time to adopt permanent rules.

Date adopted: February 10, 2010

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 10, 2010
TIME: 8:56 AM

WSR 10-05-044

**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 232-28-61900S Exceptions to statewide rules - Columbia, Entiat, Methow, Okanogan, Similkameen and Wenatchee rivers.

Notwithstanding the provisions of WAC 232-28-619:

(1) Mainstem Columbia River from Rock Island Dam to 400 feet below Chief Joseph Dam. Open through March 31, 2010. Night closure and selective gear rules apply, except motorized vessels and bait is allowed.

(a) Anglers may retain hatchery-origin adipose fin-clipped steelhead with circular (hole) punches in the caudal (tail) fin, only in areas of the Columbia River and tributaries that remain open to steelhead fishing.

(2) Entiat River upstream from the Alternate Highway 97 Bridge near the mouth of the Entiat River, approximately 6 miles to 800 feet downstream of the Entiat National Fish Hatchery outfall. Open through March 31, 2010. Night closure and selective gear rules apply, except motorized vessels allowed.

(3) Methow River from the Hwy 97 Bridge in Pateros upstream to the confluence with the Chewuch River in Winthrop, WA. Open through March 31, 2010. Night closure and selective gear rules apply, except motorized vessels allowed.

(4) Okanogan River from the mouth upstream to Hwy 97 Bridge in Oroville. Open through March 31, 2010. Night closure and selective gear rules apply, except motorized vessels allowed. CLOSED WATERS: effective March 15, 2010, from the first powerline crossing downstream of the Hwy 155 Bridge in Omak (Coulee Dam Credit Union Building) to the mouth of Omak Creek; and from the Tonasket Bridge (4th Street) downstream to the Tonasket Lagoons Park boat launch.

(5) Similkameen River, from its mouth to 400 feet below Enloe Dam. Open through March 31, 2010. Night closure and selective gear rules apply.

(6) Wenatchee River from the mouth to 800 feet below Tumwater Dam, including the Icicle River from the mouth to 500 feet downstream of the Leavenworth National Fish Hatchery Barrier Dam. Open through February 28, 2010. Night closure and selective gear rules apply.

REPEALER

The following section of the Washington Administrative Code is repealed effective April 1, 2010:

WAC 232-28-61900S Columbia, Entiat, Methow, Okanogan, Similkameen and Wenatchee rivers.