



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 10-31

- Immediately upon filing.
- Later (specify) February 18, 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Repealed: WAC 232-28-61900U
 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: The closure will reduce incidental hooking mortality on wild steelhead. The 2009/2010 return of wild winter steelhead to the Samish River is expected to be below the escapement goal. The closure will reduce incidental hooking mortality on wild steelhead. The Nooksack River basin wild steelhead returns have been trending downward and are thought to be well below escapement goals. There is insufficient time to adopt permanent rules.

Date adopted: February 12, 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 12, 2010
TIME: 2:43 PM

WSR 10-05-072

**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 232-28-61900U Exceptions to statewide rules—Nooksack and Samish Rivers.

Notwithstanding the provisions of WAC 232-28-619, effective February 18 through June 4, 2010, it is unlawful to fish in the following waters:

- (1) Nooksack River - from the mouth to the confluence of the North and South Forks
- (2) North Fork Nooksack - from the mouth to Nooksack Falls.
- (3) South Fork Nooksack - from the mouth to Skookum Creek.
- (4) Middle Fork - Nooksack from the mouth to headwaters.
- (5) Samish River - from the mouth to the Hickson Bridge.

REPEALER

The following section of the Washington Administrative Code is repealed effective June 5, 2010:

WAC 232-28-61900U Exceptions to statewide rules—Nooksack and Samish Rivers.