



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 10-85

- Immediately upon filing.
- Later (specify) May 1, 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Repealed: WAC 232-28-61900L
 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: Yakama Nation (YN) and Washington Department of Fish and Wildlife fishery managers are forecasting a large return of 16,570 adult spring Chinook to the Yakima River in 2010, of which 72% (11,900) are predicted to be hatchery salmon from the Yakima/Klickitat Fisheries Project research hatchery at Cle Elum operated by the YN. The co-managers estimate that only 7% will be wild Naches River Chinook. Twenty-one percent of the run is expected to be naturally produced upper Yakima River fish needed for Cle Elum Hatchery broodstock and natural spawning above Roza Dam. The abundant hatchery component can support increased harvest, while all wild or natural origin Chinook need to be protected. There is insufficient time to adopt permanent rules.

Date adopted: April 22, 2010

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: April 22, 2010
 TIME: 1:23 PM

WSR 10-10-009

**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 232-28-61900L Exceptions to statewide rules—Yakima River.

Notwithstanding the provisions of WAC 232-28-619:

(1) Effective May 1 through May 31, 2010, a person may fish for salmon in waters of the Yakima River from the Interstate 182 bridge in Richland (river mile 4.5) to 400 feet downstream of Horn Rapids (Wanawish) Dam (river mile 18.0). Daily limit of two hatchery Chinook, minimum size 12 inches in length. Terminal gear is restricted to one, single point barbless hook with a hook gap from point to shank of 3/4 inch or less when fishing for salmon. Use of bait is allowed.

(2) Effective May 1 through June 30, 2010, a person may fish for salmon in waters of the Yakima River from the Interstate 82 bridge at Union Gap (river mile 107.1) to the BNRR bridge approximately 500 feet downstream of Roza Dam (river mile 127.8). Daily limit of two hatchery Chinook, minimum size 12 inches in length. Only one, single point barbless hook with a hook gap from point to shank of 3/4 inch or less is permitted. Use of bait is allowed. Selective Gear Rules requirement prohibiting use of bait is temporarily suspended during the salmon fishery for all species. Night closure in effect.

(a) The upper “closed water” boundary line for Area 2 is moved upstream to the railroad bridge downstream of Roza Dam.