# 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 10-76**
☐ 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Repealed:
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: Designation of selective gear rules was omitted from the permanent rule that takes effect May 1, 2010. There is insufficient time to adopt permanent rules.

**Date adopted:** May 1, 2010

**NAME (TYPE OR PRINT)**
Philip Anderson

**SIGNATURE**
Lori Preuss

**TITLE**
Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 02, 2010
TIME: 2:48 PM

**WSR 10-10-072**

**(COMPLETE REVERSE SIDE)**

**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| **Federal statute:** | New | _____ | Amended | _____ | Repealed | _____ |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 _____

**The number of sections adopted in the agency's own initiative:**

New 1 Amended _____ Repealed _____

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New _____ Amended _____ Repealed _____

**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 | _____ |

ORDER NO. 10-76

N E W  S E C T I O N

**WAC 232-28-61900E  Exceptions to statewide rules—Cougar Lake (Okanogan Co.)**

Notwithstanding the provisions of WAC 232-28-619, effective May 1 through August 28, 2010, in waters of Cougar Lake, catch and release only, selective gear rules in effect, and boats with internal combustion engines prohibited.

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**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

(x) 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:  Designation of selective gear rules for Cougar Lake was omitted from the permanent rule that takes effect May 1, 2010. There is insufficient time to adopt permanent rules.

**(10-76, 5/1/2010)**