



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 10-131

- Immediately upon filing.
- Later (specify) May 22, 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Repealed: WAC 232-28-61900Q
 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 for this finding: Drano Lake: As of May 19, a total of 3,798 fish had returned to Little White Salmon National Fish Hatchery. Nearly 3,000 of those fish returned within the past few days. The hatchery escapement goal is 1,000 fish. Surplus hatchery fish are available for harvest. Wind River: Through May 18, a total of 356 fish had returned to Carson National Fish Hatchery. The hatchery escapement goal is 1,500 fish. The hatchery is expected to meet its escapement goal and surplus hatchery origin fish are available for harvest. There is insufficient time to adopt permanent rules.

Date adopted: May 20, 2010

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: May 20, 2010

TIME: 1:30 PM

WSR 10-12-008

**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	<u>1</u>	Amended	_____	Repealed	<u>1</u>
-----	----------	---------	-------	----------	----------

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	_____

NEW SECTION

WAC 232-28-61900Q Exceptions to statewide rules—Drano Lake and Wind River.

Notwithstanding the provisions of WAC 232-28-619:

- (1) Drano Lake - Effective May 22 through June 30, 2010, a person may fish in waters downstream of markers on the point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of the Hwy. 14 Bridge, except closed June 2 and June 9. Daily limit four fish, up to 2 may be hatchery steelhead. Release wild Chinook and wild steelhead. Release all trout other than steelhead. Minimum size 12 inches for salmon and 20 inches for steelhead.
- (2) Wind River – Effective May 22 through June 30, 2010, a person may fish in waters from mouth (boundary line/markers) to 400 feet below Shipherd Falls, and from 100 feet above Shipherd Falls to 400 feet below the coffer dam to 800 yards downstream of Carson National Fish Hatchery. Daily limit four fish; up to 2 may be hatchery steelhead. Release wild steelhead and all other game fish. Release wild Chinook downstream from Shipherd Falls. Minimum size 12 inches for salmon and 20 inches for steelhead.

REPEALER

The following section of the Washington Administrative Code is repealed effective July 1, 2010:

WAC 232-28-61900Q Exceptions to statewide rules—Drano Lake and Wind River.

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

(a) 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.

(b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: Drano Lake: As of May 19, a total of 3,798 fish had returned to Little White Salmon National Fish Hatchery. Nearly 3,000 of those fish returned within the past few days. The hatchery escapement goal is 1,000 fish. Surplus hatchery fish are available for harvest. Wind River: Through May 18, a total of 356 fish had returned to Carson National Fish Hatchery. The hatchery escapement goal is 1,500 fish. The hatchery is expected to meet its escapement goal and surplus hatchery origin fish are available for harvest. There is insufficient time to adopt permanent rules.

(10-131, 5/20/2010)