



# 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 10-133**

- Immediately upon filing.
- Later (specify) May 26, 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Repealed: WAC 232-28-61900F  
 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: Washington Department of Fish and Wildlife (WDFW) estimates over 800 hatchery origin spring Chinook are expected to return to the Entiat River in 2010. WDFW believes a selective fishery to remove excess hatchery spring Chinook is warranted to increase the proportion of wild spring Chinook on the spawning grounds as detailed in WDFW's ESA Section 10 Application for Permit 1554. No salmon are needed to meet hatchery broodstock objectives. There is insufficient time to adopt permanent rules.

**Date adopted:** May 25, 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 25, 2010**

**TIME: 3:45 PM**

**WSR 10-12-040**

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	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:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

ORDER NO. 10-133

NEW SECTION

**WAC 232-28-61900F Exceptions to statewide rules—Entiat River (Chelan Co.)**

Notwithstanding the provisions of WAC 232-28-619, effective May 26 through June 30, 2010, a person may fish for salmon in those waters of the Entiat River from the Alternate Highway 97 Bridge, upstream approximately 6 miles to 800 feet downstream of the Entiat National Fish Hatchery fish ladder entrance. Daily limit, two hatchery Chinook salmon, minimum size 12 inches. The anti-snagging rule and a night closure will be in effect, knotless nets are required, and fishing from motorized boats is prohibited.

REPEALER

The following section of the Washington Administrative Code is repealed effective July 1, 2010:

WAC 232-28-61900F Exceptions to statewide rules—Entiat River.

---

**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: Washington Department of Fish and Wildlife (WDFW) estimates over 800 hatchery origin spring Chinook are expected to return to the Entiat River in 2010. WDFW believes a selective fishery to remove excess hatchery spring Chinook is warranted to increase the proportion of wild spring Chinook on the spawning grounds as detailed in WDFW's ESA Section 10 Application for Permit 1554. No salmon are needed to meet hatchery broodstock objectives. There is insufficient time to adopt permanent rules.

**(10-133, 5/25/2010)**

