



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 10-198

- Immediately upon filing.
- Later (specify) _____

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Repealed: WAC 232-28-61900R
 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 Yakama Nation and Washington Department of Fish and Wildlife are continuing the pilot study for reintroduction of anadromous sockeye salmon in the upper Cle Elum Basin that began in 2009. In July 2,000, adult sockeye salmon trapped at Priest Rapids Dam on the Columbia River were released into Cle Elum Lake. An additional 500 sockeye were transported to Cooper Lake near Salmon La Sac. The outlet of Cooper Lake (Cooper River) flows into the Cle Elum River upstream to Lake Cle Elum. A percentage of the fish will be released with radio-tags so they can be tracked to understand their pre-spawning behavior and their migration patterns as they travel into the upper Cle Elum River and upper Cooper River to select spawning habitat. There is insufficient time to adopt permanent rules.

Date adopted: August 3, 2010

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: August 03, 2010

TIME: 1:09 PM

WSR 10-16-125

**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 232-28-61900R Exceptions to statewide rules—Cooper Lake and Cle Elum Lake (Reservoir).

Notwithstanding the provisions of WAC 232-28-619, effective immediately through October 31, 2010, in waters of Cle Elum and Cooper Lakes, the maximum size for kokanee is 14 inches in length.

REPEALER

The following section of the Washington Administrative Code is repealed effective November 1, 2010:

WAC 232-28-61900R Exceptions to statewide rules—Cooper Lake and Cle Elum Lake (Reservoir).

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: The Yakama Nation and Washington Department of Fish and Wildlife are continuing the pilot study for reintroduction of anadromous sockeye salmon in the upper Cle Elum Basin that began in 2009. In July, 2,000 adult sockeye salmon trapped at Priest Rapids Dam on the Columbia River were released into Cle Elum Lake. An additional 500 sockeye were transported to Cooper Lake near Salmon La Sac. The outlet of Cooper Lake (Cooper River), flows into the Cle Elum River upstream Lake Cle Elum. A percentage of the fish will be released with radio-tags so they can be tracked to understand their pre-spawning behavior and later this fall when they migrate into the upper Cle Elum River and upper Cooper River to select spawning habitat. There is insufficient time to adopt permanent rules.

(10-198, 8/3/2010)

