



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 10-246

- Immediately upon filing.
- Later (specify) September 18, 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Repealed: WAC 232-28-61900F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: An unexpected abundance of hatchery-produced fall Chinook that have not been marked with a missing adipose fin are returning to the Cowlitz River this season. This action will increase fishing opportunity this season and allow for a transition before a season-long mark-selective fishery for hatchery salmon is expected to begin next year, when all hatchery fall Chinook salmon returning to the Cowlitz river will be marked with a missing adipose fin. This action does not affect Washington Department of Fish and Wildlife's ability to meet conservation objectives for wild salmon. There is insufficient time to adopt permanent rules.

Date adopted: September 16, 2010

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: September 16, 2010
TIME: 3:18 PM

WSR 10-19-079

**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	_____

ORDER NO. 10-246

NEW SECTION

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

Notwithstanding the provisions of WAC 232-28-619, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

(1) Effective September 18, through December 31, 2010, in waters of the Cowlitz River from boundary markers at the mouth to 400 feet below Mayfield Dam Powerhouse, it is permissible to retain one wild adult Chinook as part of the two adult Chinook daily limit.

REPEALER

The following section of the Washington Administrative Code is repealed effective January 1, 2011:

WAC 232-28-61900F Exceptions to statewide rules—Cowlitz 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: An unexpected abundance of hatchery-produced fall Chinook that have not been marked with a missing adipose fin are returning to the Cowlitz River this season. This action will increase fishing opportunity this season and allow for a transition before a season-long mark-selective fishery for hatchery salmon is expected to begin next year, when all hatchery fall Chinook salmon returning to the Cowlitz river will be marked with a missing adipose fin. This action does not affect Washington Department of Fish and Wildlife's ability to meet conservation objectives for wild salmon. There is insufficient time to adopt permanent rules.

(10-246, 9/16/2010)

