



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 11-09

- Immediately upon filing.
- Later (specify) February 1, 2011

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Repealed: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 for this finding: The 2010-2011 forecast of wild steelhead returning to the Skagit River system is well below the spawning goal. These closures will reduce the incidental hooking mortalities of wild steelhead. Puget Sound wild steelhead populations are listed as "Threatened" under the Endangered Species Act. There is insufficient time to adopt permanent rules.

Date adopted: January 25, 2011

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 25, 2011
TIME: 10:53 AM

WSR 11-04-046

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Federal statute:	New	_____	Amended	_____	Repealed	_____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

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. 11-09

NEW SECTION

WAC 232-28-61900S Exceptions to statewide rules.

Notwithstanding the provisions of WAC 232-28-619:

- (1) **Skagit River mainstem:** From the mouth to the Hwy. 530 Bridge at Rockport: Closed to all fishing, effective February 1, 2011.
- (2) **Skagit River:** From the Hwy. 530 Bridge at Rockport to the mouth of the Cascade River: Closed to all fishing, effective February 16, 2011.
- (3) **Skagit River:** From the mouth of the Cascade River to the Gorge powerhouse at Newhalem: Closed to all fishing, effective February 1, 2011.
- (4) **Sauk River:** From the mouth to the Whitechuck River: Closed to all fishing, effective February 1, 2011.
- (5) **Cascade River:** From the mouth to the Rockport-Cascade Road Bridge: Closed to all fishing, effective February 16, 2011.

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: The 2010-2011 forecast of wild steelhead returning to the Skagit River system is well below the spawning goal. These closures will reduce the incidental hooking mortalities of wild steelhead. Puget Sound wild steelhead populations are listed as "Threatened" under the Endangered Species Act. There is insufficient time to adopt permanent rules.

(11-09, 1/25/2011)

