



# 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 11-150**

- Immediately upon filing.
- Later (specify) July 18, 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Repealed: WAC 232-28-61900R  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 for this finding: The repairs of an in-stream weir and fish ladder on Cook Slough require the installation of a cofferdam upstream of the weir and restriction of flows to 30 cubic feet per second through Cook Slough. A fish exclusion device at the downstream end will prevent fish from entering Cook Slough. Closing these areas will ensure public safety. There is insufficient time to adopt permanent rules.

**Date adopted:** July 12, 2011

**NAME (TYPE OR PRINT)**  
Philip Anderson

**SIGNATURE**

**TITLE**  
Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** July 12, 2011

**TIME:** 2:43 PM

**WSR 11-15-033**

**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	_____
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**The number of sections adopted in the agency's own initiative:**

New	<u>1</u>	Amended	_____	Repealed	<u>1</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
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**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. 11-150

NEW SECTION

**WAC 232-28-61900R Exceptions to statewide rules—Cook (Koch) Slough - side channel of Stillaguamish River.**

Notwithstanding the provisions of WAC 232-28-619, effective July 18 through October 15, 2011, it is unlawful to fish in the following waters:

- (1) All of Cook (Koch) Slough (a side channel of the Stillaguamish River beginning approximately ½ mile west of Interstate 5). The closure area begins 350 feet upstream of the diversion dam and continues approximately 3.5 river miles to the downstream confluence with the Stillaguamish River
- (2) The North Meander (a side channel that connects the mainstem Stillaguamish with Cook Slough).
- (3) The Stillaguamish River from the downstream confluence with Cook Slough to 1,000 feet downstream.

REPEALER

The following section of the Washington Administrative Code is repealed effective October 16, 2011:

**WAC 232-28-61900R Exceptions to statewide rules—Cook (Koch) Slough - side channel of Stillaguamish River.**

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**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 repairs of an in-stream weir and fish ladder on Cook Slough require the installation of a cofferdam upstream of the weir and restriction of flows to 30 cubic feet per second through Cook Slough. A fish exclusion device at the downstream end will prevent fish from entering Cook Slough. Closing these areas will ensure public safety. There is insufficient time to adopt permanent rules.

**(11-150, 7/12/2011)**

