



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 11-172

- Immediately upon filing.
- Later (specify) August 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Repealed: WAC 232-28-61900G
 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: Hatchery summer Chinook returns to the Wenatchee River are predicted to be in excess of spawning escapement needs. The population is not listed under the Endangered Species Act (ESA). The majority of spring Chinook and bull trout will have migrated to the upper Wenatchee River, and few steelhead will remain in the mainstem. There is insufficient time to adopt permanent rules.

Date adopted: July 27, 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 27, 2011
TIME: 2:24 PM

WSR 11-16-038

**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	_____
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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:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

NEW SECTION

WAC 232-28-61900G Exceptions to statewide rules—Wenatchee 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 August 1 through October 15, 2011, it is permissible to fish for salmon in waters of the Wenatchee River from the mouth to 400 feet below Dryden Dam; daily limit of two hatchery Chinook. Selective gear rules and night closure in effect. All Chinook with a floy (anchor) tag attached and/or caudal punch must be released.
- (2) Effective September 1 through October 15, 2011, it is permissible to fish for salmon in waters of the Wenatchee River from the confluence of Peshastin Creek at a line perpendicular to the river at a marker on the opposite shore, to the Icicle Creek road bridge on the west end of Leavenworth. Daily limit of two hatchery Chinook. Selective gear rules and night closure in effect. All Chinook with a floy (anchor) tag attached and/or caudal punch must be released.

REPEALER

The following section of the Washington Administrative Code is repealed effective October 16, 2011:

WAC 232-28-61900G Exceptions to statewide rules—Wenatchee 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: Hatchery summer Chinook returns to the Wenatchee River are predicted to be in excess of spawning escapement needs. The population is not listed under the Endangered Species Act (ESA). The majority of spring Chinook and bull trout will have migrated to the upper Wenatchee River, and few steelhead will remain in the mainstem. There is insufficient time to adopt permanent rules.

(11-172, 7/27/2011)

