



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Washington Department of Fish and Wildlife

Emergency Rule Only

Effective date of rule:

Emergency Rules 11-233

- Immediately upon filing.
- Later (specify) September 14, 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 recreational fishing rules

Citation of existing rules affected by this order:

Repealed: WAC 232-28-61900W
 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 year 2009, 2010, 2011, 2012, or 2013, 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: Adult Chinook salmon released as juveniles from the net pens just below the Chelan PUD powerhouse are expected to return in sufficient numbers to provide a recreational fishery. The population is not listed under the Endangered Species Act (ESA). There is insufficient time to adopt permanent rules.

Date adopted: September 9, 2011

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 09, 2011
TIME: 3:59 PM
WSR 11-19-033

**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:

Federal statute:	New	_____	Amended	_____	Repealed	_____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 232-28-61900W Exceptions to statewide rules—Lake Chelan.

Notwithstanding the provisions of WAC 232-28-619:

- (1) Effective September 14 through October 15, 2011, it is permissible to fish for and possess salmon in waters of Lake Chelan Project (powerhouse) tailrace from the railroad bridge to the Chelan PUD safety barrier below the powerhouse. Daily limit of 6 Chinook salmon; up to 3 may be adults, of which only one may be a wild adult. Minimum size 12 inches.
- (2) It is unlawful to fish from a floating device. Night closure and anti-snagging rules are in effect.
- (3) All Chinook salmon with a floy (anchor) tag attached and/or with one or more holes (round, approximately ¼-inch diameter) punched in the caudal (tail) fin must be released.
- (4) It is unlawful to fish in waters of the Chelan River upstream from the powerhouse tailrace to Lake Chelan.
- (5) It is unlawful to fish in the Chelan Co. PUD Powerhouse Park swimming area.
- (6) Fishing along the southwest shoreline (shoreline on the same side of the river as the Chelan Co PUD Powerhouse Park) is limited to wading only (no fishing from the bank).

REPEALER

The following section of the Washington Administrative Code is repealed effective October 16, 2011:

WAC 232-28-61900W Exceptions to statewide rules—Lake Chelan.

EMERGENCY RULE ONLY

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(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.

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(11-233, 9/9/2011)

