



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 11-239

- Immediately upon filing.
- Later (specify) 12:01 a.m. September 16, 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Repealed: WAC 232-28-61900C
 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: There are harvestable numbers of fall Chinook salmon available for harvest in fisheries below Bonneville Dam, including Lower River Hatchery and Upriver Bright stocks of fall Chinook. Fisheries are consistent with the provisions of the Biological Opinion and *U.S. v. Oregon* Management Agreement. There is insufficient time to adopt permanent rules.

Date adopted: September 13, 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 13, 2011

TIME: 10:34 AM

WSR 11-19-044

**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 232-28-61900C Exceptions to statewide rules—Columbia River.

Notwithstanding the provisions of WAC 232-28-619:

- a) The Columbia River from the Buoy 10 line upstream to a line projected from Rocky Point on the Washington bank through red buoy #44 to a navigation light at Tongue Point on the Oregon bank: Effective September 16 through September 30, 2011, daily limit two salmon or hatchery steelhead or one of each. Chinook minimum size is 24 inches and coho 16 inches. Release all salmon other than Chinook and hatchery coho.
- b) The Columbia River from a line projected from Rocky Point on the Washington bank through red buoy #44 to a navigation light at Tongue Point on the Oregon bank upstream to a line from the Warrior Rock Lighthouse on the Oregon bank through red buoy #4 to the orange marker atop the dolphin on the Washington shore: Effective September 16 through September 18, 2011, daily salmonid limit is 6 fish, of which no more than 2 may be adult salmon or hatchery steelhead or one of each. Salmon minimum size is 12 inches. Release all salmon other than Chinook and hatchery coho.

REPEALER

The following section of the Washington Administrative Code is repealed effective October 1, 2011:

WAC 232-28-61900C Exceptions to statewide rules—Columbia 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: There are harvestable numbers of fall Chinook salmon available for harvest in fisheries below Bonneville Dam, including Lower River Hatchery and Upriver Bright stocks of fall Chinook. Fisheries are consistent with the provisions of the Biological Opinion and *U.S. v. Oregon Management Agreement*. There is insufficient time to adopt permanent rules. (11-239, 9/13/2011)

