



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 11-322

- Immediately upon filing.
- Later (specify) January 2, 2012

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Repealed: WAC 232-28-61900U
 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: The 2011-12 upper Columbia River steelhead run is less than in recent years and has a relatively high proportion of natural origin steelhead. The higher proportion of natural origin steelhead coupled with steady angler effort has increased the number of natural origin steelhead encounters and catch and release mortality. There is insufficient time to adopt permanent rules.

Date adopted: December 28, 2012

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 28, 2011

TIME: 9:26 AM

WSR 12-02-022

**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 232-28-61900X Exceptions to statewide rules.

- (1) Notwithstanding the provisions of WAC 232-28-619, effective January 2, 2012, until further notice, special daily limit of two hatchery steelhead, 20-inch minimum size. Release all steelhead with one or more round ¼-inch diameter holes punched in the caudal (tail) fin. Mandatory retention in effect. Whitefish anglers must follow selective gear rules in areas open to steelhead fishing, no bait is allowed.
 - (a) Okanogan River from the mouth upstream to Hwy 97 Bridge in Oroville: Open until further notice. Night closure and selective gear rules apply.
 - (b) Similkameen River from its mouth to 400 feet below Enloe Dam: Open until further notice. Night closure and selective gear rules apply.
- (2) Notwithstanding the provisions of WAC 232-28-619, effective January 2, 2012, until further notice it is unlawful to fish for whitefish in the following waters:
 - (a) Wenatchee River - From the mouth to the Hwy 2 bridge at Leavenworth.
 - (b) Entiat River - upstream from the Alternate Highway 97 Bridge, near the mouth of the Entiat River to Entiat Falls.
 - (c) Methow River - from Gold Creek to the falls above Brush Creek.

REPEALER

The following section of the Washington Administrative Code is repealed effective January 2, 2012:

WAC 232-28-61900U Exceptions to statewide rules - Columbia, Entiat, Methow, Okanogan, Similkameen and Wenatchee rivers. (11-258)

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, 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: The 2011-12 upper Columbia River steelhead run is less than in recent years and has a relatively high proportion of natural origin steelhead. The higher proportion of natural origin steelhead coupled with steady angler effort has increased the number of natural origin steelhead encounters and catch and release mortality. There is insufficient time to adopt permanent rules. (11-322, 12/28/2011)

