



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 12-231

- Immediately upon filing.
- Later (specify) _____

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Repealed: WAC 232-28-61900K, WAC 232-28-61900P
 Amended: WAC 232-28-619
 Suspended:

Statutory authority for adoption: RCW 77.12.045, 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: Rescinds the scheduled opener for the area from the Wauna powerlines upstream to Bonneville Dam. At the July 26, 2012 Compact, the Joint States adopted a season which included a retention season during Oct 20-December 31. The majority of the catch actually occurred during the summer portion of the season, leaving minimal fish available for the fall portion of the season. This action maintains the closure of sturgeon retention in the area downstream of Bonneville Dam and adjacent tributaries for the remainder of 2012. Ruling continues the white sturgeon retention season in The Dalles Pool. Harvestable fish remain within the guideline for the area. Retention will continue on a days-per-week format through December 31, 2012. Conforms Washington state rules with Oregon state rules. Regulation is consistent with Compact Action of July 26 and October 2, 2012. There is insufficient time to adopt permanent rules.

Date adopted: October 3, 2012

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 03, 2012

TIME: 3:34 PM

WSR 12-21-002

**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>2</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 232-28-61900P Exceptions to statewide rules—Columbia River sturgeon.

Notwithstanding the provisions of WAC 232-28-619:

- (1) Effective immediately through December 31, 2012: It is unlawful to retain white sturgeon caught in those waters of the Columbia River from the mouth upstream to Bonneville Dam, and all adjacent Washington tributaries.
- (2) Effective immediately through December 31, 2012 on Thursdays, Fridays and Saturdays:
 - a. It is permissible to retain legal-size white sturgeon caught in those waters of the Columbia River and tributaries from The Dalles Dam upstream to John Day Dam.
 - b. Daily possession limit: one white sturgeon.
 - c. Allowable size limit: 43-54 inches in fork length.

REPEALERS

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900K Exceptions to statewide rules—Columbia River sturgeon. (12-158)

The following section of the Washington Administrative Code is repealed effective January 1, 2013:

WAC 232-28-61900P Exceptions to statewide rules—Columbia River sturgeon.

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.

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(12-231, 10/3/2012)

