



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 13-36

- Immediately upon filing.
- Later (specify) March 16, 2013

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Repealed:
 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: Spring Chinook returns to the Wind River are predicted to be below average in 2013. The expected returns are needed to provide for the hatchery escapement goals and do not provide sufficient numbers of fish for a full season fishery. There is insufficient time to adopt permanent rules.

Date adopted: February 19, 2013

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 19, 2013

TIME: 2:09 PM

WSR 13-05-074

**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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____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	_____
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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 rule—Wind River

(1) Notwithstanding the provisions of WAC 232-28-619, effective March 16, 2013, until further notice:

- a. It is unlawful to fish in waters of the Wind River from 400 feet below Shipherd Falls upstream, including all tributaries.
- b. Through March 31, 2013, it is unlawful to fish in waters of the Wind River from the mouth (boundary line/markers) upstream to 400 feet below Shipherd Falls.

(2) Effective April 1, 2013, until further notice, in waters of the Wind River from the mouth (boundary line/markers) upstream to 400 feet below Shipherd Falls:

- a. The salmon and steelhead daily limit is 1 hatchery Chinook or 1 hatchery steelhead. Wild Chinook and wild steelhead must be released.
- b. The regulation that allows for the most liberal daily limit between the adjacent mainstem Columbia River or Wind River, when both areas are open concurrently for salmon, has been rescinded.
- c. Night closure is in effect.

(3) Effective May 1, 2013, until further notice:

- d. Anti-snagging rule will be in effect from the Burlington Northern Railroad Bridge upstream. Only fish hooked inside the mouth may be retained.
- e. The two-pole rule has been rescinded.

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: Spring Chinook returns to the Wind River are predicted to be below average in 2013. The expected returns are needed to provide for the hatchery escapement goals and do not provide sufficient numbers of fish for a full season fishery. There is insufficient time to adopt permanent rules. **(13-36, 2/14/2013)**