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 13-67
☒ 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Repealed: WAC 232-28-61900M
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: Establishes dates for the late-spring and summer white sturgeon retention seasons above and below the Wanna powerlines The regulation is consistent with Washington Fish and Wildlife Commission's guidance for 2013 lower Columbia River sturgeon management. The dates for retention of white sturgeon are based on actions adopted at the Joint Washington-Oregon public hearing on January 30, 2013. There is insufficient time to adopt permanent rules.

Date adopted: April 9, 2013

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 09, 2013
TIME: 8:57 AM

WSR 13-09-016

(COMPLETE REVERSE SIDE)

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 _____

The number of sections adopted in the agency's own initiative:

New 1 Amended _____ Repealed 1

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New _____ Amended _____ Repealed _____

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	_____

ORDER NO. 13-67

N E W S E C T I O N

WAC 232-28-61900P Exceptions to statewide rules—Columbia River sturgeon. Notwithstanding the provisions of WAC 232-28-619:

(1) Effective immediately until further notice, it is unlawful to retain sturgeon caught in those waters of the Columbia River and tributaries from Bonneville Dam upstream to The Dalles Dam.
(2) Effective immediately until further notice, it is unlawful to retain white sturgeon caught in those waters of the Columbia River and all adjacent Washington tributaries from the Wauna powerlines upstream to Bonneville Dam, except that a person may retain white sturgeon on Thursdays, Fridays and Saturdays through June 15.
(3) Effective May 1, 2013, until further notice, it is unlawful to fish for sturgeon from Bonneville Dam downstream 9 miles to a line crossing the Columbia River from navigation marker 82 on the Oregon shore, westerly to the boundary marker on the Washington shore upstream of Fir Point.
(4) Effective May 11 through June 30, 2013, it is permissible to retain white sturgeon caught in those waters of the Columbia River from the mouth upstream to the Wauna powerlines, and in all adjacent Washington tributaries. Minimum size when open to retain white sturgeon in this area is 38 inches fork length through April 30 and 41 inches fork length from May 11 onward.
(5) Effective July 1, 2013, until further notice, it is unlawful to retain white sturgeon caught in those waters of the Columbia River from the mouth upstream to Bonneville Dam and in all adjacent Washington tributaries.

R E P E A L E R

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900M Exceptions to statewide rules—Columbia River sturgeon. (12-291)

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: Establishes dates for the above and below Wauna late-spring – summer white sturgeon retention seasons. The regulation is consistent with Washington Fish and Wildlife Commission's guidance for 2013 lower Columbia River sturgeon management. The dates for retention of white sturgeon are based on actions adopted at the Joint Washington-Oregon public hearing on January 30, 2013. There is insufficient time to adopt permanent rules. **(13-67, 4/9/2013)**