



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 13-128

- 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Repealed: WAC 232-28-61900T
 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: (See attachment)

Date adopted: June 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: June 19, 2013

TIME: 3:39 PM

WSR 13-14-003

(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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____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New	_____	Amended	_____	Repealed	_____
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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 232-28-61900Q Exceptions to statewide rules—Columbia River sturgeon.

Notwithstanding the provisions of WAC 232-28-619:

- (1) Effective June 21, 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.
- (2) Effective only on June 21, 2013, it is permissible to retain white sturgeon caught in those waters of the Columbia River and tributaries from Bonneville Dam upstream to The Dalles Dam. Legal size when open to retain white sturgeon in this area is 38-inches minimum and 54-inches maximum fork length. Beginning June 22, 2013, until further notice, white sturgeon retention is prohibited in those waters of the Columbia River and tributaries from Bonneville Dam upstream to The Dalles Dam.
- (3) Effective immediately through August 31, 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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900T Exceptions to statewide rules—Columbia River sturgeon. (13-101)

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:Attachment

The Columbia River sturgeon-retention fishery downstream of the Wauna powerline crossing was originally scheduled to continue through June 30, 2013. Angling effort and catch have exceeded expectations, and the catch guideline of 4,042 white sturgeon is projected to be reached by Friday, June 21. The area of the Columbia River from the Wauna powerlines upstream to Bonneville Dam is currently closed to sturgeon retention.

A two-day retention season was scheduled for June 21 through June 22, 2013, in the area from Bonneville Dam upstream to The Dalles Dam. Angling effort and catch have exceeded expectations, and the catch guideline of 1,100 white sturgeon is projected to be reached by Saturday, June 22.

These actions were adopted at the Joint Washington-Oregon public hearing on June 18, 2013. There is insufficient time to adopt permanent rules.

(13-128, 6/19/2013)

