



# 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 13-135**

- Immediately upon filing.
- Later (specify) June 29, 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Repealed: WAC 232-28-61900Q  
 Amended: WAC 232-28-619  
 Suspended:

**Statutory authority for adoption:** RCW 77.12.045, 77.12.047 and 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:** Closes the John Day Pool for retention of white sturgeon. The harvest guideline is expected to be reached June 29, 2013. This action effectively closes retention of sturgeon in all areas of the Columbia River downstream of McNary Dam, except The Dalles Pool. Catch-and-release fisheries remain in place, except within designated sturgeon spawning sanctuaries located immediately downstream of McNary, John Day, and Bonneville dams. These actions were adopted at the Joint Washington-Oregon public hearing on June 26, 2013. There is insufficient time to adopt permanent rules.

**Date adopted:** June 27, 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 27, 2013**

**TIME: 2:18 PM**

**WSR 13-14-048**

(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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	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:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

NEW SECTION

**WAC 232-28-61900U 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 white sturgeon caught in those waters of the Columbia River from the mouth upstream to The Dalles Dam and in all adjacent Washington tributaries.
- (2) Effective immediately until further notice, it is unlawful to retain white sturgeon caught in those waters of the Columbia River from John Day Dam upstream to McNary Dam and in all adjacent Washington tributaries.
- (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 effective June 29, 2013:

WAC 232-28-61900Q Exceptions to statewide rules—Columbia River sturgeon. (13-128)

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**EMERGENCY RULE ONLY**

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(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:** Closes the John Day Pool for retention of white sturgeon. The harvest guideline is expected to be reached June 29, 2013. This action effectively closes all areas of the Columbia River downstream of McNary Dam for retention of sturgeon except The Dalles Pool. Catch and release fisheries remain in place except within designated sturgeon spawning sanctuaries located immediately downstream of McNary, John Day, and Bonneville dams. These actions were adopted at the Joint Washington-Oregon public hearing on June 26, 2013. There is insufficient time to adopt permanent rules.

**(13-135, 6/27/2013)**

