



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 13-177

- 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Repealed: WAC 232-28-61900D and 232-28-61900T
 Amended: WAC 232-28-619
 Suspended:

Statutory authority for adoption: RCW 77.12.045, 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: The department is in the process of filing permanent rules that were adopted by the Washington Fish and Wildlife Commission for sportfishing, and permanent rules that will be adopted by the department for recreational salmon fishing. The salmon rules were agreed to with resource co-managers at the North of Falcon proceedings. Recent estimates of Okanogan sockeye are predicted to be adequate to allow for an anticipated low level (3,000-4,000) of angler harvest. Allowing sockeye retention will provide additional fishing opportunity.

Date adopted: August 1, 2013

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 01, 2013

TIME: 1:29 PM

WSR 13-16-054

**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 232-28-61900D Exceptions to statewide rules.

Notwithstanding the provisions of WAC 232-28-619, effective immediately, until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

1. Chelan River (Chelan County):
 - (a) It is unlawful to use other than barbless hooks while fishing for salmon and steelhead.
 - (b) From September 1 until further notice, anti-snagging rule and night closure in effect.
 - (c) Salmon: Open from September 1 until further notice, daily limit 6 hatchery Chinook of which no more than 2 adult hatchery Chinook may be retained. Release all wild Chinook salmon.

2. Columbia River, including impoundments and all connecting sloughs, except Wells Ponds:
 - (a) From McNary Dam to Priest Rapids Dam:
 - (i) It is unlawful to use other than barbless hooks while fishing for salmon and steelhead.
 - (c) From Priest Rapids Dam to Chief Joseph Dam:
 - (i) It is unlawful to use other than barbless hooks while fishing for salmon and steelhead.
 - (iii) Effective immediately until further notice, daily limit 6 salmon, of which only 2 of which may be adult hatchery Chinook and 2 may be adult sockeye. Minimum size for adult Chinook salmon is 24 inches; minimum size for adult sockeye is 12 inches. Release all wild Chinook and coho salmon. Anglers must stop fishing once adult salmon limit has been harvested. Salmon with floy tags and/or one or more holes (round, approximately ¼” in diameter) punched in the tail must be released.

3. Okanogan River (Okanogan County):
 - (a) It is unlawful to use other than barbless hooks while fishing for salmon and steelhead.
 - (b) From the mouth upstream to the first Highway 97 Bridge:
 - (i) Effective immediately until further notice, anglers fishing with two poles is permissible as long as the angler possess a two-pole endorsement.
 - (ii) Effective immediately until further notice, daily limit 6 salmon, of which only 2 of which may be adult hatchery Chinook and 2 may be adult sockeye. Minimum size for adult Chinook salmon is 24 inches; minimum size for adult sockeye is 12 inches. Release all wild Chinook and coho salmon. Anglers must stop fishing once adult salmon limit has been harvested. Salmon with floy tags and/or one or more holes (round, approximately ¼” in diameter) punched in the tail must be released.
 - (c) Upstream from the first Highway 97 Bridge: Effective immediately through September 15, daily limit 6 salmon, of which only 2 of which may be adult hatchery Chinook and 2 may be adult sockeye. Minimum size for adult Chinook salmon is 24 inches; minimum size for adult sockeye is 12 inches. Release all wild Chinook and coho salmon. Anglers must stop fishing once adult salmon limit has been harvested. Salmon with floy tags and/or one or more holes (round, approximately ¼” in diameter) punched in the tail must be released.

4. Similkameen River (Okanogan County):
 - (a) Closed from Enloe Dam downstream 400 feet.
 - (b) It is unlawful to use other than barbless hooks while fishing for salmon and steelhead.
 - (c) Effective immediately through September 15, daily limit 6 salmon, of which only 2 of which may be adult hatchery Chinook and 2 may be adult sockeye. Minimum size for adult Chinook salmon is 24 inches; minimum size for adult sockeye is 12 inches. Release all wild Chinook and coho salmon. Anglers must stop fishing once adult salmon limit has been harvested. Salmon with floy tags and/or one or more holes (round, approximately 1/4" in diameter) punched in the tail must be released.

5. Yakima River (Yakima County):
 - (a) From mouth (Hwy. 240 Bridge) to 400 feet below Prosser Dam, it is unlawful to use other than barbless hooks while fishing for salmon and steelhead.

REPEALERS

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900T Exceptions to statewide rules—Columbia and Okanogan Rivers. (13-133)

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

WAC 232-28-61900D Exceptions to statewide rules.

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, 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.

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