



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 13-254

- Immediately upon filing.
- Later (specify) 12:01 a.m. September 26, 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Repealed: WAC 232-28-61900K
 Amended: WAC 232-28-619
 Suspended:

Statutory authority for adoption: RCW 77.04.020, 77.04.055, and 77.12.047

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: Removes mark-selective regulations for the Columbia River Chinook fishery downstream of the Warrior Rock boundary (near the mouth of the Lewis River) prior to the scheduled date of October 1. Mark-selective regulations were imposed to minimize take of Endangered Species Act (ESA) listed lower Columbia River (LCR) wild Chinook. ESA impacts on the LCR wild Chinook have been tracking less than expected in this fishery. Record breaking abundance of upriver fall Chinook returns to the Columbia River resulted in additional Chinook available for harvest in non-Indian fisheries. This regulation is to provide opportunity to access these Chinook, while remaining within Endangered Species Act constraints. This regulation is consistent with Compact Action of September 12 and September 24, 2013. There is insufficient time to adopt permanent rules.

Date adopted: September 25, 2013

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: September 25, 2013

TIME: 2:39 PM

WSR 13-20-048

(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:

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 232-28-61900N Freshwater exceptions to statewide rules—Columbia River and tributaries.

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

1. Columbia River from a true north/south line through Buoy 10 to a projected line from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank:
 - (a) Effective immediately until further notice: Barbless hooks are required for salmon and steelhead.
 - (b) Effective September 26-30. Chinook minimum size 24-inches. Coho minimum size 16-inches. Daily limit 2 salmon or hatchery steelhead or 1 of each. Release all salmon except Chinook and hatchery coho
 - (c) October 1 through December 31, 2013: Minimum size 12-inches. Daily limit 6. Up to 2 may be adult salmon or hatchery steelhead, or 1 of each. Release all salmon except Chinook and hatchery coho.
2. Columbia River from a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank (Rocky Point/Tongue Point line) to Bonneville Dam:
 - (a) Effective immediately until further notice: Barbless hooks are required for salmon and steelhead.
 - (b) Effective immediately until further notice: Barbless hooks are required for cutthroat trout from the Rocky Point/Tongue Point line upstream to the I-5 Bridge.
 - (c) Effective September 26 through December 31, 2013: Daily limit 6. Up to 2 may be adult salmon or hatchery steelhead or 1 of each. Release all salmon other than Chinook and hatchery coho.
3. In the Columbia River from the Tongue Point/Rocky Point Line upstream to the Highway 395 Bridge near Pasco, Washington, effective immediately through December 31, 2013 : Each (legal) angler aboard a vessel may continue to deploy angling gear until the daily limit of salmon/steelhead for all licensed anglers and juvenile anglers aboard is reached.
4. In the Columbia River from Bonneville Dam to Chief Joseph Dam effective immediately until further notice: barbless hooks required for salmon and steelhead.
 - (a) Open for salmon.
 - (b) Barbless hooks are required for salmon and steelhead.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900K Exceptions to statewide rules—Columbia River and tributaries. (13-91)

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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(13-254, 9/25/2013)