



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 13-296

- Immediately upon filing.
- Later (specify) Decemer 8, 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Repealed: WAC 232-28-61900J
 Amended: WAC 232-28-619
 Suspended:

Statutory authority for adoption: RCW 77.04.020, 77.12.045 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: The allowable take (mortality) of Endangered Species Act listed natural origin steelhead due to angling effects is approaching the maximum limit for the waters listed. The 2013-2014 steelhead run is much lower than in recent years and has a relatively high proportion of natural origin fish. There is insufficient time to adopt permanent rules.

Date adopted: December 6, 2013

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 06, 2013
TIME: 1:37 PM

WSR 14-01-014

**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 | <u>1</u> | Amended | _____ | Repealed | <u>1</u> |
|-----|----------|---------|-------|----------|----------|

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 | _____ |

NEW SECTION

WAC 232-28-61900T Exceptions to statewide rules—Columbia, Methow, Okanogan, Similkameen, Wenatchee and Icicle Rivers.

Notwithstanding the provisions of WAC 232-28-619, the following provisions are in effect December 8, 2013, one hour after official sunset. Unless otherwise amended, all permanent rules remain in effect:

- (1) It is permissible to fish for steelhead in the following waters:
 - (a) Mainstem Columbia River: From Wells Dam upstream to 400 feet below Chief Joseph Dam.
 - (b) Methow River: From the mouth upstream to the confluence with the Chewuch River in Winthrop.
 - (c) Okanogan River: From the mouth upstream to the Highway 97 Bridge in Oroville.
 - (d) Similkameen River: From the mouth upstream to 400 feet below Enloe Dam.
- (2) Mandatory retention of adipose fin clipped steelhead, daily limit two (2) hatchery steelhead, 20 inch minimum size. Hatchery steelhead are identified by a missing adipose fin with a healed scar in its location. Release all steelhead with a floy (anchor) tag attached and/or one or more round ¼ inch diameter holes punched in the caudal (tail) fin.
- (3) Adipose present steelhead must be released unharmed and cannot be removed from the water prior to release.
- (4) Night closure and selective gear rules remain in effect, except bait is allowed on the mainstem Columbia River from Wells Dam upstream to 400 feet below Chief Joseph Dam.
- (5) It is unlawful to fish for whitefish and steelhead in waters of the Wenatchee River from the mouth upstream to the Icicle River Road Bridge.
- (6) It is unlawful to fish for steelhead in the following waters:
 - (a) Mainstem Columbia River: From Rock Island Dam upstream to 400 feet below Wells Dam.
 - (b) Icicle River: From the mouth upstream to 500 feet below the Leavenworth National Fish Hatchery Barrier Dam.

REPEALER

The following section of the Washington Administrative code is repealed effective December 8, 2013, one hour after official sunset:

WAC 232-28-61900J Exceptions to statewide rules—Columbia, Methow, Okanogan, Similkameen, Wenatchee and Icicle Rivers. (13-268)

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.

Reasons for this finding: The allowable take (mortality) of Endangered Species Act listed natural origin steelhead due to angling effects is approaching the maximum limit for the waters listed. The 2013-2014 steelhead run is much lower than in recent years and has a relatively high proportion of natural origin fish. There is insufficient time to adopt permanent rules.

(13-296, 12/6/2013)