



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 14-36

- Immediately upon filing.
- Later (specify) March 7, 2014

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Repealed: WAC 232-28-61900B
 Amended: WAC 220-310-185
 Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 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 pre-season forecast is for a return of 1,100 adult spring Chinook salmon to the Lewis River in 2014. The closure is necessary to provide enough fish to meet the hatchery escapement goal of approximately 1,350 fish. Recent changes to rules repealed WAC 232-28-619 and split the rule into new WAC sections. Changes to WAC 232-28-619 were needed because the rule was too long, not clearly written or structured. The public will be able to locate and understand requirements more easily because the requirements will be better organized and clearly structured. This emergency rule is to ensure a previously adopted emergency rules provisions remain effective. There is insufficient time to adopt permanent rules.

Date adopted: March 6, 2014

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 06, 2014
TIME: 3:20 PM

WSR 14-07-010

**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 220-310-18500B Freshwater exceptions to statewide rules—Lewis River.

Notwithstanding the provisions of WAC 220-310-185, 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) Chinook salmon must be released in waters of the Lewis River from the mouth to the mouth of East Fork.
- (2) Chinook salmon must be released in waters of the North Fork Lewis River from the mouth of East Fork to the overhead powerlines below Merwin Dam.
- (3) Through May 31, 2014, fishing is closed to all angling on the North Fork Lewis River from Johnson Creek (located downstream from the Lewis River Salmon Hatchery) upstream to Merwin Dam.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900B Exceptions statewide rules—Lewis River. (14-16)

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: The pre-season forecast is for a return of 1,100 adult spring Chinook salmon to the Lewis River in 2014. The closure is necessary to provide enough fish to meet the hatchery escapement goal of approximately 1,350 fish. Recent changes to rules repealed WAC 232-28-619 and split the rule into new WAC sections. Changes to WAC 232-28-619 were needed because the rule was too long, not clearly written or structured. The public will be able to locate and understand requirements more easily because the requirements will be better organized and clearly structured. This emergency rule is to ensure a previously adopted emergency rules provisions remain effective. There is insufficient time to adopt permanent rules.

(14-36, 3/6/2014)

