



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 14-141

- Immediately upon filing.
- Later (specify) June 12, 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Repealed:
 Amended: WAC 220-310-195
 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 Yakama Nation (YN) and the Washington Department of Fish and Wildlife are continuing the reintroduction of anadromous sockeye salmon in the upper Cle Elum Basin that began in July 2009. Juvenile sampling by the (YN) at Roza and Prosser Dams has shown that juvenile sockeye may remain in the lake for two or more years before migrating to the ocean. If 9-inch to 15-inch "kokanee" being caught are juvenile sockeye that may migrate to the ocean, then a reduced daily limit from 16 to 5 fish is consistent with promoting the sockeye reintroduction program. Increasing the trout daily limit to 5 fish, including kokanee, should reduce the harvest of larger juvenile sockeye, while allowing increased harvest of other trout including non-native lake trout (mackinaw), eastern brook trout and brown trout that prey on or compete with juvenile sockeye salmon.

Date adopted: June 10, 2014

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 10, 2014

TIME: 2:31 PM

WSR 14-13-040

**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	_____
-----	----------	---------	-------	----------	-------

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	_____

ORDER NO. 14-141

NEW SECTION

WAC 220-310-19500P Exceptions to statewide rules—Cooper Lake and Cle Elum Lake (Reservoir).

Notwithstanding the provisions of WAC 220-310-195, effective June 12, 2014, until further notice, in waters of Cle Elum Lake and Cooper Lake (Kittitas Co.).

- (1) Minimum size for kokanee is 9 inches in length and a maximum size of 15 inches in length.
- (2) The trout daily limit is 5 fish, including kokanee.

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.

Reason for finding: The Yakama Nation (YN) and the Washington Department of Fish and Wildlife are continuing the reintroduction of anadromous sockeye salmon in the upper Cle Elum Basin that began in July 2009. Juvenile sampling by the (YN) at Roza and Prosser Dams has shown that juvenile sockeye may remain in the lake for two or more years before migrating to the ocean. If 9-inch to 15-inch “kokanee” being caught are juvenile sockeye that may migrate to the ocean, then a reduced daily limit from 16 to 5 fish is consistent with promoting the sockeye reintroduction program. Increasing the trout daily limit to 5 fish, including kokanee, should reduce the harvest of larger juvenile sockeye, while allowing increased harvest of other trout including non-native lake trout (mackinaw), eastern brook trout and brown trout that prey on or compete with juvenile sockeye salmon.

(14-141, 6/10/2014)

