



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 15-10

- Immediately upon filing.
- Later (specify) January 19, 2015

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Repealed: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, WAC 220-56-105
 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: Wild steelhead returns to the Tucannon River are below management objectives for conservation and for maintaining fisheries and therefore, the fishery for hatchery steelhead must be constrained to provide more protection of naturally produced steelhead in the Tucannon River. The emergency regulations are intended to focus the fishery on removal of stray hatchery steelhead that primarily enter the Tucannon River in late summer and fall to prevent them from spawning, as well as provide a refuge area above Marengo to protect early returning wild steelhead, and close the fishery before March when most of the wild steelhead return to the Tucannon River. There is insufficient time to adopt permanent rules.

Date adopted: January 16, 2015

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 16, 2015
TIME: 4:57 PM

WSR 15-03-080

(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>2</u>	Amended	_____	Repealed	_____
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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 220-56-10500L River mouth definitions.

Notwithstanding the provisions of WAC 220-56-105, effective January 19, through February 28, 2015, the Tucannon River is defined as the water lying south of a line of sight from an orange diamond-shaped sign attached to the Hwy 261 guard rail (northwest of the Tucannon River and adjacent to the rest-area turn off), running southeast across to the eastern, unsubmerged shoreline of the Tucannon River (point of land spit). The large embayment between the eastern shoreline of the Tucannon River and the rock bluff to the east along the south shore of the Snake River is considered part of the Snake River.

NEW SECTION

WAC 220-310-19500J Freshwater exceptions to statewide rules—Tucannon River.

Notwithstanding the provisions of WAC 220-310-195,

(1) Effective January 19 through February 28, 2015, in the waters of the Tucannon River, it is unlawful to violate the following provisions:

Steelhead and all other game fish:

- (a) All steelhead with a missing adipose fin (hatchery origin) must be retained. It is unlawful to catch and release hatchery steelhead.
- (b) Release all fish except anglers may retain up to 15 whitefish and 2 hatchery steelhead.
- (c) Barbless hooks are required.
- (d) Release all wild steelhead.
- (e) The area from Marengo (at Turner Road Bridge) upstream is closed to fishing.

(2) Effective March 1, 2015, until further notice, it is unlawful to fish in the waters of the Tucannon River.

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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, 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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