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 15-147
☒ Immediately upon filing.
☐ Later (specify) _____

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Repealed: WAC 220-310-20000J
Amended: WAC 220-310-200
Suspended:

Statutory authority for adoption: RCW 77.04.012, 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: Closes John Day Pool and adjacent tributaries for the retention of white sturgeon. The harvest guideline of 500 fish is expected to be reached. The summer-period white sturgeon retention season in Bonneville Reservoir remain in place and The Dalles Pool remains closed. Catch and release is allowed during non-retention periods, except within the May-July sturgeon spawning sanctuaries. This emergency rule is consistent with the Joint Washington-Oregon Action of April 8, May 11 and May 26, 2015, and conforms Washington state rules with Oregon state rules. There is insufficient time to adopt permanent rules.

Date adopted: May 28, 2015

NAME (TYPE OR PRINT)
J W Unsworth

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 28, 2015
TIME: 11:52 AM

WSR 15-12-054

(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 _____

The number of sections adopted in the agency's own initiative:

New 1 Amended _____ Repealed 1

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. 14-147

N E W S E C T I O N

WAC 220-310-20000M Exceptions to statewide rules—Columbia River sturgeon. Notwithstanding the provisions of WAC 220-310-200:

(1) From June 19 through June 21, June 26 through June 28, and July 3 through July 5, 2015, it is permissible to retain white sturgeon between 38-inches minimum and 54-inches maximum fork length caught in those waters of the Columbia River and tributaries from Bonneville Dam upstream to sturgeon spawning Sanctuary boundary located 1.8 miles downstream of The Dalles Dam.

(2) Effective immediately until further notice, except for the specific dates described in subsection (1) of this section, it is unlawful to retain sturgeon caught in those waters of the Columbia River and tributaries from Bonneville Dam upstream to John Day Dam. Catch and release is permissible except from May 1 through July 31, 2015 in the sturgeon spawning Sanctuaries located from The Dalles Dam downstream 1.8 miles, and from John Day Dam downstream 2.4 miles.

(3) Effective June 3, 2015, until further notice, it is unlawful to retain white sturgeon caught in those waters of the Columbia River and in all adjacent Washington tributaries from John Day upstream to McNary Dam. Catch and release is permissible except through July 31, 2015 in the sturgeon spawning Sanctuary located from McNary Dam downstream 1.5 miles under permanent regulations.

R E P E A L E R

The following section of the Washington Administrative Code is repealed:

WAC 220-310-20000J Exceptions to statewide rules—Columbia River sturgeon. (15-119)

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: Closes John Day Pool and adjacent tributaries for the retention of white sturgeon. The harvest guideline of 500 fish is expected to be reached. The summer-period white sturgeon retention season in Bonneville Reservoir remain in place and The Dalles Pool remains closed. Catch and release is allowed during non-retention periods, except within the May-July sturgeon spawning sanctuaries. This emergency rule is consistent with the Joint Washington-Oregon Action of April 8, May 11 and May 26, 2015, and conforms Washington state rules with Oregon state rules. There is insufficient time to adopt permanent rules. **(15-147, 5/28/2015)**