



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 15-392

- 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: To repeal the remaining drought-related amendments to the authorized work times for suction dredging in the Gold and Fish Rules for Mineral Prospecting and Placer Mining

Citation of existing rules affected by this order:

Repealed: WAC 220-660-30000K
 Amended:
 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:

See Attachment A

Date adopted: October 20, 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: October 20, 2015

TIME: 3:11 PM

WSR 15-21-084

(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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____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	_____	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	_____

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-660-30000K Mineral prospecting. (15-381)

ATTACHMENT A

This filing removes closures on the following rivers due to improved conditions:

- Little Naches River
- Teanaway River, including the West, Middle and North Forks
- Ahtanum Creek, including the North Fork and Middle Fork
- Wenatchee River from mouth to the Icicle River Road Bridge
- Icicle River from the mouth to 500 feet downstream of the Leavenworth National Fish Hatchery Barrier Dam
- Okanogan River from the Hwy 97 Bridge immediately upstream of the mouth to Zosel Dam
- Similkameen River from the mouth upstream to Enloe Dam
- Newaukum River and all tributaries:

Cooler weather has reduced water temperatures. Flows have remained above criteria for protection of fish. There is insufficient time to promulgate permanent rules.

A lack of snowpack from an unusually warm winter resulted in drought conditions throughout much of Washington. A healthy snowpack slowly provides water to rivers and streams, helping to sustain fish through the drier summer months. But, with little or no snowpack, flows in many rivers dropped significantly and water temperatures had increased – conditions that were lethal to fish. In response, WDFW initially placed drought-related fishing closures and restrictions on nearly 60 rivers and streams. This filing removes the remaining closures.