



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 14-40

- 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Repealed:
 Amended: WAC 220-310-200
 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: Recent analyses of the ongoing steelhead fisheries in portions of the upper Columbia River has revealed sufficient natural origin steelhead impacts still remain under the NOAA issued ESA section 10 permit. Re-opening steelhead fisheries in the Columbia River will help to reduce the proportion of hatchery fish on the spawning grounds and further reduce competition between natural origin and hatchery juvenile production. Recent changes to rules repealed WAC 232-28-619 and split the rule into new WAC sections.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: 3:23 PM

WSR 14-07-013

(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	<u>1</u>	Amended	_____	Repealed	<u>1</u>
-----	----------	---------	-------	----------	----------

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	_____

NEW SECTION

WAC 220-310-20000B Freshwater exceptions to statewide rules—Columbia River. Notwithstanding the provisions of WAC 220-310-195 and WAC 220-310-200, effective immediately until further notice, the following provisions are in effect. Unless otherwise amended, all permanent rules remain in effect:

- (1) It is permissible to fish for steelhead in mainstem Columbia River from Wells Dam upstream to 400 feet below Chief Joseph Dam and from Rock Island Dam upstream to 400 feet below Wells Dam.
- (2) Mandatory retention of adipose fin clipped steelhead applies; daily limit two (2) hatchery steelhead, 20 inch minimum size. Hatchery steelhead are identified by a missing adipose fin with a healed scar in its location.
- (3) Anglers must release adipose present steelhead unharmed and cannot remove them from the water prior to release.
- (4) Anglers must release all steelhead with a floy (anchor) tag attached and/or one or more round 1/4 inch in diameter holes punched in the caudal (tail) fin.
- (5) Night closure and selective gear rules apply. Bait is permissible on mainstem Columbia River from Rock Island Dam to 400 feet below Chief Joseph Dam.
- (6) Whitefish anglers must follow selective gear rules in areas open to steelhead fishing and it is unlawful to use bait.

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, 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: Recent analyses of the ongoing steelhead fisheries in portions of the upper Columbia River has revealed sufficient natural origin steelhead impacts still remain under the NOAA issued ESA section 10 permit. Re-opening steelhead fisheries in the Columbia River will help to reduce the proportion of hatchery fish on the spawning grounds and further reduce competition between natural origin and hatchery juvenile production.

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.

(14-40, 3/6/2014)

