



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

- Immediately upon filing. 14-56
- 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: Protection of human safety, vulnerable fish and wildlife resources or habitats, and department or other infrastructures from damage or abuse.

Citation of existing rules affected by this order:

Repealed:
 Amended: 232-13-150
 Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.12.047 and 77.15.160

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 Wanapum pool was drawn down due to an emergency at the Wanapum Dam. This draw-down has exposed lands underlying the pool and created risks to public safety, potential damage to habitats from human and motorized traffic, and exposed cultural resources to damage or theft. There is insufficient time to adopt permanent rules.

Date adopted: March 7, 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 07, 2014

TIME: 4:00 PM

WSR 14-07-026

(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 232-13-15000A Regulating Public Access

Notwithstanding the provisions of WAC 232-13-150, effective immediately until further notice, to protect human safety, vulnerable fish and wildlife resources or habitats, and department or other infrastructures from damage or abuse:

- (1) It is unlawful to enter or remain on department lands or portions thereof, consisting of all lands and beaches riverward of the ordinary high water line of the former full pool within the project area of the Grant County PUD Wanapum Dam reservoir of the Columbia River.
- (2) Subsection (1) does not apply to authorized activities conducted by duly authorized officials related to the administration of the closure, dam safety, monitoring or protection of the project and lands, or monitoring or protection of natural and cultural resources. Nor does it apply to those operating under a permit for entry issued by the Director.
- (3) A violation of this section is an infraction, punishable under RCW 77.15.160(5)(b).