



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 14-197

- Immediately upon filing.
- Later (specify) August 2, 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Repealed: WAC 220-310-19500Y
 Amended: WAC 220-310-195
 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: Salmon Creek has been designated as a recovery stream for Endangered Species Act listed steelhead. Sufficient water has been procured for Salmon Creek to attract spawning steelhead adults. Non-native species such as smallmouth bass and Eastern brook trout, along with residual juvenile hatchery steelhead, have increased competition and predation, making recovery efforts more difficult. There is insufficient time to adopt permanent rules.

Date adopted: August 1, 2014

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED**

DATE: August 01, 2014
TIME: 2:11 PM
WSR 14-16-081

**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>1</u>	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	_____

ORDER NO. 14-197

NEW SECTION

WAC 220-310-19500Y Exceptions to statewide rules—Salmon Creek (Okanogan Co.)

Notwithstanding the provisions of WAC 220-310-195, effective August 2 through October 31, 2014, it is permissible to fish in waters of Salmon Creek from the Okanogan Irrigation District diversion (7.2 km upstream of the mouth) to Conconully Reservoir Dam with the following restrictions:

- (1) Smallmouth bass and eastern brook trout – no minimum size, daily limit 10 each.
- (2) Adipose-clipped rainbow trout – minimum size 10 inches, daily limit 10.
- (3) Selective gear rules are in effect.
- (4) All other trout and salmon must be released.

REPEALER

The following section of the Washington Administrative Code is repealed effective November 1, 2014:

WAC 220-310-19500Y Exceptions to statewide rules—Salmon Creek (Okanogan Co.)

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: Salmon Creek has been designated as a recovery stream for steelhead listed for protection under the federal Endangered Species Act. Sufficient water has been procured for Salmon Creek to attract spawning steelhead adults. However, non-native species such as smallmouth bass and eastern brook trout, along with residual juvenile hatchery steelhead, have increased competition and predation and made recovery efforts more difficult. There is insufficient time to adopt permanent rules.

(14-197, 8/1/2014)

