



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 15-23

- 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Repealed:
 Amended: WAC 220-310-200, WAC 220-310-195
 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: Hatchery-origin steelhead in excess of desired escapement have returned to the upper Columbia River. The fishery will reduce the number of excess hatchery-origin steelhead and consequently increase the proportion of natural-origin steelhead on the spawning grounds. Allowing retention of hatchery steelhead will provide for additional angling opportunity. Sections of the Okanogan River will close early to protect natural origin steelhead staging prior to spawning within those tributaries. There is insufficient time to adopt permanent rules.

Date adopted: February 5, 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: February 05, 2015

TIME: 12:54 PM

WSR 15-05-006

(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 220-310-20000B Freshwater exceptions to statewide rules—Columbia River.

Notwithstanding the provisions of WAC 220-310-200, effective immediately until further notice, it is permissible to fish for steelhead in the Columbia River from Rock Island Dam to 400 feet below Chief Joseph Dam with the following restrictions:

- (1) Mandatory retention of adipose fin clipped steelhead, 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.
- (2) Adipose present steelhead must be released unharmed and cannot be removed from the water prior to release.
- (3) Night closure and selective gear rules remain in effect, except bait is permissible.
- (4) 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.

NEW SECTION

WAC 220-310-19500K Freshwater exceptions to statewide rules—Wenatchee, Methow Entiat and Okanogan Rivers.

Notwithstanding the provisions of WAC 220-310-195, effective immediately until further notice, the following provisions are in effect. Unless otherwise amended, all permanent rules remain in effect:

- (1) Mandatory retention of adipose fin clipped steelhead, 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.
- (2) Adipose present steelhead must be released unharmed and cannot be removed from the water prior to release.
- (3) Night closure and selective gear rules remain in effect.
- (4) 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.
 - (a) It is permissible to fish for steelhead in the Wenatchee River from the mouth to the Wenatchee River at the Icicle Road Bridge, including the Icicle River from the mouth to 500 feet downstream of the Leavenworth National Fish Hatchery Barrier Dam.
 - (b) It is permissible to fish for steelhead in the Entiat River from the mouth to a 1/2 mile upstream to a point perpendicular with the intersection of the Entiat River Road and Hedding Street.
 - (c) It is permissible to fish for steelhead in the the Methow River from the mouth to the confluence with the Chewuch River in Winthrop. Fishing from a floating device is prohibited from the second powerline crossing (1 mile upstream from the mouth) to the first Hwy 153 Bridge (4 miles upstream from the mouth).

- (d) It is permissible to fish for steelhead in the Okanogan River from the mouth upstream to the Highway 97 Bridge in Oroville.
- (e) It is permissible to fish for steelhead in the Similkameen River from the mouth upstream to 400 feet below Enloe Dam.

(5) Effective one hour before official sunrise on March 1, 2015, until further notice the following areas are closed to steelhead fishing:

(a) Those waters of the Okanogan River From the first power line crossing downstream of the Highway 155 Bridge in Omak (Coulee Dam Credit Union Building) to the mouth of Omak Creek.

(b) Those waters of the Okanogan River from the Tonasket Bridge (4th street) downstream to the Tonasket Lagoons Park boat launch.

EMERGENCY RULE ONLY

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(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 findings: Hatchery-origin steelhead in excess of desired escapement have returned to the upper Columbia River. The fishery will reduce the number of excess hatchery-origin steelhead and consequently increase the proportion of natural-origin steelhead on the spawning grounds. Allowing retention of hatchery steelhead will provide for additional angling opportunity. Sections of the Okanogan River will close early to protect natural origin steelhead staging prior to spawning within those tributaries. There is insufficient time to adopt permanent rules.

(15-23, 2/5/2015)

