



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 15-30

- Immediately upon filing.
- Later (specify) February 21, 2015

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Repealed: WAC 220-310-19500K
 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: 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. Opening steelhead fishing in an additional section of the Wenatchee River will offer anglers opportunity to harvest hatchery origin fish. This will help to reduce the proportion of hatchery fish on the spawning grounds and further reduce competition between natural origin and hatchery juvenile production. The Methow River closed area will be utilized by Winthrop National Fish Hatchery personnel to capture natural origin steelhead broodstock to meet hatchery production and genetic management goals. There is insufficient time to adopt permanent rules.

Date adopted: February 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: February 20, 2015

TIME: 9:51 AM

WSR 15-06-005

**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	_____

NEW SECTION

WAC 220-310-19500L Freshwater exceptions to statewide rules—Wenatchee, Methow Entiat, Okanogan and Similkameen rivers.

Notwithstanding the provisions of WAC 220-310-195, effective February 21, 2015, 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 the following waters:
 - (a) Wenatchee River from the mouth to 400 feet below Tumwater Dam., including the Icicle River from the mouth to 500 feet downstream of the Leavenworth National Fish Hatchery Barrier Dam.
 - (b) Entiat River from the mouth to a ½ mile upstream to a point perpendicular with the intersection of the Entiat River Road and Hedding Street.
 - (c) 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) Okanogan River from the mouth upstream to the Highway 97 Bridge in Oroville.
 - (e) Similkameen River from the mouth upstream to 400 feet below Enloe Dam.
- (2) 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.
- (3) Adipose present steelhead must be released unharmed and cannot be removed from the water prior to release.
- (4) Night closure and selective gear rules remain in effect.
- (5) 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.
- (6) Effective 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.
- (7) Effective one hour after official sunset on March 1, 2015, until further notice, waters of the Methow River from the upstream boundary of Heckendorn Park (across from East 20 Pizza) to the Highway 20 Bridge in Winthrop, WA. are closed to steelhead fishing.

REPEALER

The following section of the Washington Administrative Code is repealed effective February 21, 2015:

WAC 220-310-19500K Freshwater exceptions to statewide rules—Wenatchee, Methow Entiat and Okanogan Rivers. (15-23)

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, 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: 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. Opening steelhead fishing in an additional section of the Wenatchee River will offer anglers opportunity to harvest hatchery origin fish. This will help to reduce the proportion of hatchery fish on the spawning grounds and further reduce competition between natural origin and hatchery juvenile production. The Methow River closed area will be utilized by Winthrop National Fish Hatchery personnel to capture natural origin steelhead broodstock to meet hatchery production and genetic management goals. There is insufficient time to adopt permanent rules.

(15-30, 2/20/2015)

