



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 15-251

- 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Repealed: WAC 220-310-19500B
 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: Afternoon water temperatures in Yakima Basin rivers and creeks are approaching the upper limit for survival of trout and salmon. Most of the above waters do not benefit from cold water releases from the Bureau of Reclamation storage reservoirs. These select waters receive significant summer fishing effort that will subject hooked fish to handling stress, injury or death directly related to elevated water temperature combined with record low instream flow conditions. There is insufficient time to adopt permanent rules.

Date adopted: August 14, 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: August 14, 2015

TIME: 10:49 AM

WSR 15-17-061

**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 | _____ |

ORDER NO. 15-251

NEW SECTION

WAC 220-310-19500G Freshwater exceptions to statewide rules—Eastside.

Notwithstanding the provisions of WAC 220-310-195, effective immediately until further notice, currently open fisheries for game fish in the Yakima River basin are modified as follows:

- (1) Ahtanum Creek, including North and Middle Forks: Closed
- (2) Naches River from Tieton River to Bumping River/Little Naches River: Closed from 2:00 p.m. until 12:00 midnight
- (3) Rattlesnake Creek: Closed from 2:00 p.m. until 12:00 midnight
- (4) Little Naches River: Closed
- (5) Teanaway River, including West, Middle and North Forks: Closed
- (6) Yakima River from the Interstate 82 Bridge at Union Gap to the South Cle Elum Bridge: Closed from 2:00 p.m. until 12:00 midnight.
- (7) Swauk Creek and all tributaries downstream of Williams Creek: Closed from 2:00 p.m. until 12:00 midnight
- (8) Williams Creek and all tributaries: Closed
- (9) Swauk Creek and all tributaries upstream of Williams Creek: Closed
- (10) American River from: a) mouth to Hwy. 410 Bridge downstream of the USFS Hell's Crossing Campground (river mile 5.4), and b) upstream of the Mesatchee Creek Trail crossing at river mile 15.8: Closed

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-310-19500B Freshwater exceptions to statewide rules—Eastside. (15-204)

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.

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(15-251, 8/14/2015)