



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 15-332

- 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Repealed: WAC 220-310-19500L
 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: These six lakes are scheduled to be treated with rotenone to remove nuisance fish species as part of an effort to restore the quality of trout fishing in those waters. Rotenone is an organic substance derived from the roots of tropical plants, which has been approved for use as a fish pesticide by the U.S. Environmental Protection Agency. Prior to the treatment, fishery managers are allowing current license holders to harvest fish without size or daily limits. There is insufficient time to adopt permanent rules.

Date adopted: September 11, 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: September 11, 2015

TIME: 4:33 PM

WSR 15-19-064

**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—Eastside.

Notwithstanding the provisions of WAC 220-310-195, it is unlawful to violate the provisions below. Unless otherwise amended all permanent rules remain in effect:

- (1) **Rat Lake (Okanogan Co.)**, Effective immediately through October 18, 2015
 - (a) Size and daily limit for game fish do not apply.
 - (b) Selective gear rules do not apply.
- (2) **Upper and Lower Green Lakes (Okanogan Co.)**, Effective immediately through October 18, 2015:
 - (a) Size and daily limit for game fish do not apply.
 - (b) Selective gear rules do not apply.
- (3) **No Name Lake (Pend Oreille Co.)** Effective immediately through October 25, 2015.
 - (a) Size and daily limits for game fish do not apply.
- (4) **Badger Lake (Spokane Co.)**, Effective immediately through October 25, 2015:
 - (a) It is permissible to fish in waters of Badger Lake.
 - (b) Size and daily limits for game fish do not apply.
- (5) **Williams Lake (Spokane Co.)**, Effective immediately through October 25, 2015:
 - (a) It is permissible to fish in waters of Williams Lake.
 - (b) Size and daily limits for game fish do not apply.

REPEALER

The following section of the Washington Administrative Code is repealed effective October 26, 2015:

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

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 this finding: These six lakes are scheduled to be treated with rotenone to remove nuisance fish species as part of an effort to restore the quality of trout fishing in those waters. Rotenone is an organic substance derived from the roots of tropical plants, which has been approved for use as a fish pesticide by the U.S. Environmental Protection Agency. Prior to the treatment, fishery managers are allowing current license holders to harvest fish without size or daily limits. There is insufficient time to adopt permanent rules. **(15-332, 9/11/2015)**

