



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 15-428

- Immediately upon filing.
- Later (specify) 5:30 p.m. November 22, 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Repealed: WAC 220-310-19500N, WAC 220-310-20000Y
 Amended: WAC 220-310-195, WAC 220-310-200
 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: An emergency rule is needed to close the Methow and mainstem Columbia rivers which were opened by WSR 15-21-010. The updated forecast to estimate natural origin steelhead abundance and creel information in the Methow River basin indicate that the allowable mortality of Endangered Species Act listed natural origin steelhead due to angling effects will reach the maximum limit. There is insufficient time to adopt permanent rules.

Date adopted: November 19, 2015

NAME (TYPE OR PRINT)
Joe Stohr for J W Unsworth

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 19, 2015
TIME: 2:53 PM

WSR 15-24-020

**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>2</u> | Amended | _____ | Repealed | <u>2</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 | _____ |

NEW SECTION

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

Notwithstanding the provisions of WAC 220-310-195, effective 5:30 p.m. November 22, 2015, until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

- (1) It is permissible to fish for steelhead in the Okanogan River from the mouth upstream to the Highway 97 Bridge in Oroville.
- (2) It is permissible to fish for steelhead in the Similkameen River from the mouth upstream to 400 feet below Enloe Dam.
- (3) It is unlawful to violate the following provisions during the open times in the waters listed in this section:
 - (a) Night closure and selective gear rules are in effect.
 - (b) Daily limit:
 - (i) Two hatchery steelhead; 20 inch minimum size.
 - (ii) Five hatchery rainbow trout; less than 20 inches in total length.
 - (c) Mandatory retention of adipose fin clipped steelhead, except release all steelhead with a floy (anchor) tag attached or one or more round 1/4 inch in diameter holes punched in the caudal (tail) fin. Adipose present steelhead must be released unharmed and cannot be removed from the water prior to release.
 - (d) Anglers must cease fishing for the day when the daily limit of two hatchery steelhead are obtained, regardless of the number of hatchery rainbow trout obtained.
- (4) It is unlawful to fish for or possess whitefish in waters of the Methow River from the mouth to the confluence of the Chewuch River in Winthrop.

NEW SECTION

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

Notwithstanding the provisions of WAC 220-310-200, effective 5:30 p.m. November 22, 2015, until further notice, it is permissible to fish for steelhead in the Columbia River from the Highway 173 Bridge at Brewster to 400 feet below Chief Joseph Dam.

- (1) Night closure and selective gear rules are in effect, except bait is permissible.
- (2) Daily limit:
 - (a) Two hatchery steelhead, 20 inch minimum size.
 - (b) Five hatchery rainbow trout, less than 20 inches in total length.
- (3) Mandatory retention of adipose fin clipped steelhead, except 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. Adipose present steelhead must be released unharmed and cannot be removed from the water prior to release.
- (4) Anglers must cease fishing for the day when the daily limit of two (2) hatchery steelhead are obtained, regardless of the number of hatchery rainbow trout obtained.

REPEALERS

The following sections of the Washington Administrative Code are repealed effective 5:30 p.m. November 22, 2015:

WAC 220-310-19500N Freshwater exceptions to statewide rules—Eastside. (15-377)

WAC 220-310-20000Y Freshwater exceptions to statewide rules—Columbia River (15-377)

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: An emergency rule is needed to close the Methow and mainstem Columbia rivers which were opened by WSR 15-21-010. The updated forecast to estimate natural origin steelhead abundance and creel information in the Methow River basin indicate that the allowable mortality of Endangered Species Act listed natural origin steelhead due to angling effects will reach the maximum limit. There is insufficient time to adopt permanent rules.

(15-428, 11/19/2015)

