



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 16-72

- 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 for the Yakima River

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Repealed: WAC 220-310-19500B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, RCW 77.04.020 and RCW 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 as the Yakama Nation (YN) is tagging up to 55 adult smallmouth bass with acoustic (sonic) tags. This is part of a telemetry study tracking bass movements in the lower Yakima River during their spring migration/spawning season. All fish with acoustic tags will be visibly identifiable by an orange "spaghetti" tag inserted at the base of the dorsal fin. Anglers need to be aware that these tagged smallmouth bass have been exposed to a chemical anesthetic, must not be eaten, but should be released during the effective dates above to allow researchers to continue tracking fish movements. Residual anesthetic in tagged fish flesh will dissipate by mid-May and be safe for human consumption under the FDA rules on fish anesthetic use. There is insufficient time to adopt permanent rules.

Date adopted: April 11, 2016

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: April 11, 2016
TIME: 5:17 PM

WSR 16-09-022

**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 220-310-19500B Freshwater exceptions to statewide rules—Eastside.

Notwithstanding the provisions of WAC 220-310-195, effective April 12 through May 13, 2016, all smallmouth bass tagged in the dorsal fin with an orange spaghetti tag must be released in those waters of the Lower Yakima River and Columbia River in the Yakima Delta area near Bateman Island, Benton Co.

REPEALER

The following section of the Washington Administrative Code is repealed effective May 14, 2016:

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

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() 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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(16-72, 4/11/2016)

