



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 17-173

- Immediately upon filing.
- Later (specify) July 31, 2017

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 Cowlitz River

Citation of existing rules affected by this order:

Repealed:
 Amended: WAC 220-312-030
 Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.12.045 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: Emergency rules are needed because steelhead returns to the Columbia River have been lower than expected this summer. Low returns of summer steelhead to the Cowlitz Hatchery thus far this season make it necessary to reduce the daily limit as a precautionary measure to ensure enough fish can be collected to meet the hatchery broodstock needs. Retention of hatchery steelhead will no longer be required due to the need to obtain additional fish for the hatchery program. There is insufficient time to adopt permanent rules.

Date adopted: July 26, 2017

NAME (TYPE OR PRINT)
James B Scott for J W Unsworth

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 27, 2017

TIME: 10:51 AM

WSR 17-16-086

**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	_____
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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 220-312-03000F Southwest – Freshwater exceptions to statewide rules.

Notwithstanding the provisions of WAC 220-312-030, effective July 31, 2017, until further notice, it is unlawful to violate the provisions below. Unless otherwise amended, all permanent rules remain in effect.

Cowlitz River and its tributaries from the Lexington Drive/Sparks Road Bridge to the Barrier dam:

- (a) Up to 2 hatchery steelhead may be retained
- (b) Catch and release of hatchery steelhead is allowed

Reasons for this finding: Emergency rules are needed because steelhead returns to the Columbia River have been lower than expected this summer. Low returns of summer steelhead to the Cowlitz Hatchery thus far this season make it necessary to reduce the daily limit as a precautionary measure to ensure enough fish can be collected to meet the hatchery broodstock needs. Retention of hatchery steelhead will no longer be required due to the need to obtain additional fish for the hatchery program. There is insufficient time to adopt permanent rules. (17-173, July 21 2017)