



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (August 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 06, 2017

TIME: 4:43 PM

WSR 17-19-002

Agency: Department of Fish and Wildlife (Order 17-238)

Effective date of rule:

Emergency Rules

- 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: Amends recreational fishing rules for Hog Canyon Creek.

Citation of rules affected by this order:

New:
Repealed: WAC 220-312-05000U
Amended: WAC 220-312-050
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.

Reasons for this finding: This adds Hog Canyon Creek to the list of lakes that are scheduled for rotenone treatment as its waters will be effected as well. The rotenone treatment is designed 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 and to extend the fishing season. There is insufficient time to adopt permanent rules.

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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 on 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	___

Date adopted: September 6, 2017

Name: J W Unsworth

Title: Director

Signature:



NEW SECTION

WAC 220-312-05000V Freshwater exceptions to statewide rules—Eastside.

Notwithstanding the provisions of WAC 220-312-050, it is unlawful to violate the provisions below. Unless otherwise amended all permanent rules remain in effect:

- (1) Effective immediately through October 15, 2017, the following waters are open for fishing with no size or daily limits for all game fish. Selective gear rules do not apply.
 - (a) Rigley Lake (Stevens Co.) – Closed effective October 16, 2017 until further notice.
 - (b) Rocky Lake (Stevens Co.) – Closed effective October 16, 2017, until further notice.
 - (c) Williams Lake (Stevens Co.) – Closed effective October 16, 2017, until further notice.

- (2) Effective immediately through October 22, 2017, the following waters are open for fishing with no size or daily limits for all game fish.
 - (a) Hog Lake (Spokane Co.) – Closed effective October 23, 2017, until further notice.
 - (b) Fishtrap Lake (Spokane Co.) – Closed effective October 23, 2017, until further notice.
 - (c) Hog Canyon Creek (Spokane Co.), from Hog Canyon Dam to Scroggie Rd. – Closed effective October 23, 2017, until further notice.

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 220-312-05000U Freshwater exceptions to statewide rules – Eastside.

