



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 13-28

- Immediately upon filing.
- Later (specify) February 8, 2013

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Repealed: WAC 232-28-61900D
 Amended: WAC 232-28-619
 Suspended:

Statutory authority for adoption: RCW 77.12.047 and RCW 77.04.020

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: Recent analyses of the ongoing steelhead fisheries in portions of the upper Columbia River has revealed sufficient natural origin steelhead impacts still remain under the NOAA issued ESA section 10 permit. Re-opening steelhead fisheries in both the Wenatchee and Icicle Rivers will help to reduce the proportion of hatchery fish on the spawning grounds and further reduce competition between natural origin and hatchery juvenile production. Opening these areas to steelhead angling also allows whitefish opportunity. There is insufficient time to adopt permanent rules.

Date adopted: February 6, 2013

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 06, 2013

TIME: 2:11 PM

WSR 13-05-002

**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 232-28-61900W Exceptions to statewide rules--Columbia,
Okanogan, Similkameen, Wenatchee and Icicle Rivers**

Notwithstanding the provisions of WAC 232-28-619, effective one hour before official sunrise on February 8, 2013, in waters of the Columbia, Okanogan, Similkameen, Wenatchee and Icicle Rivers it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

- (1) Mandatory retention of adipose fin clipped steelhead, daily limit two (2) hatchery steelhead, 20 inch minimum size. Hatchery steelhead are identified by a missing adipose fin with a healed scar in its location.
- (2) Adipose present steelhead must be released unharmed and cannot be removed from the water prior to release.
- (3) Night closure and selective gear rules remain in effect, except bait allowed on mainstem Columbia River.
 - (a) A person may fish for steelhead in the Columbia River from Rock Island Dam to the boundary markers below Wells Dam and from the Highway 173 Bridge in Brewster to 400 feet below Chief Joseph Dam.
 - (b) A person may fish for steelhead in the Wenatchee River from the mouth to 400 feet below Tumwater Dam, including the Icicle River from the mouth to 500 feet downstream of the Leavenworth National Fish Hatchery Barrier Dam.
 - (c) A person may fish for steelhead in the Okanogan River from the mouth upstream to the Highway 97 Bridge in Oroville.
- (d) A person may fish for steelhead in the Similkameen River from the mouth upstream to 400 feet below Enloe Dam.
 - (d) A person may fish for whitefish in the Wenatchee River from the mouth to the Hwy 2 bridge at Leavenworth.
- (4) Effective one hour before official sunrise on Feb 8 2013, until further notice, it is unlawful to fish for whitefish in the following waters:
 - (a) Entiat River: Upstream from the Alternate Highway 97 Bridge, near the mouth of the Entiat River to Entiat Falls.
 - (b) Methow River: From Gold Creek to the confluence with the Chewuch River in Winthrop.

REPEALER

The following section of the Washington Administrative Code is repealed effective one hour before official sunrise February 8, 2013:

WAC 232-28-61900D Exceptions to statewide rules—Columbia, Entiat, Icicle, Methow, Okanogan, Similkameen, and Wenatchee Rivers. (12-276)

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, or 2011, 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: Recent analyses of the ongoing steelhead fisheries in portions of the upper Columbia River has revealed sufficient natural origin steelhead impacts still remain under the NOAA issued ESA section 10 permit. Re-opening steelhead fisheries in both the Wenatchee and Icicle Rivers will help to reduce the proportion of hatchery fish on the spawning grounds and further reduce competition between natural origin and hatchery juvenile production. Opening these areas to steelhead angling also allows whitefish opportunity. There is insufficient time to adopt permanent rules. **(13-28, 2/6/2013)**