

WSR 24-19-011
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-177—Filed September 5, 2024, 1:00 p.m., effective September 5, 2024, 1:00 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule is to close fishing in the lower Deschutes River.

Citation of Rules Affected by this Order: Amending WAC 220-312-040.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

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.

Reasons for this Finding: This emergency rule is necessary to close fishing in the lowest section of the Deschutes River.

This section of the Deschutes River runs through Brewery Park at Tumwater Falls. The park does not allow fishing from the shore. Due to recent trespassing and fishing activity, this action is necessary both for the protection of the public due to the dangerous conditions presented in this area, and for the protection of fall Chinook staging for the Tumwater Falls Hatchery facility.

There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: September 5, 2024.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-04000S Freshwater exceptions to statewide rules—Puget Sound. Effective immediately, through October 31, 2024, the following provisions of WAC 220-312-040 regarding recreational gamefish seasons for Deschutes River, shall be modified as described below. All other provisions of WAC 220-312-040 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

Deschutes River (Thurston Co.), from the mouth (a line projected across the river 400 feet below the lower Tumwater Falls fish ladder) to the Old Highway 99 Bridge:

Gamefish: Closed.