



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Washington Department of Fish and Wildlife

Permanent Rule Only

Effective date of rule:

Permanent Rules 15-53

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: The purpose of this rule change is to amend WAC language to include additions of new catch area designations needed to manage evolving and emergent commercial fisheries, some of which are in response to the Columbia River Basin Salmon Management Policy C-3620. Developing fisheries require managing sub-sections of existing catch areas and/or designation of new catch areas. Additionally, some housekeeping changes have been included which will simplify the process for adopting commercial fishing seasons set under the Columbia River Compact.

Citation of existing rules affected by this order:

Repealed:
Amended: WAC 220-22-010 and WAC 220-32-050
Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.055, 77.12.045, and 77.12.047

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 14-24-112 on 12/03/2014.
Describe any changes other than editing from proposed to adopted version:

There were no changes from the proposed version to the adopted version.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

Date adopted: February 6, 2015

NAME (TYPE OR PRINT)
Brad Smith, Ph.D.

SIGNATURE

TITLE
Chair, Fish and Wildlife Commission

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 25, 2015
TIME: 10:34 AM
WSR 15-08-031

**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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____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	_____	Amended	<u>2</u>	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	_____

AMENDATORY SECTION (Amending Order 77-14, filed 4/15/77)

WAC 220-32-050 Indian fishery—Area and qualification. It (~~shall be~~) is unlawful to take, fish for or possess food fish for commercial purposes in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, (~~and~~) 1H, and 1E1 except that it (~~shall be lawful~~) is permissible for individuals possessing treaty fishing rights pursuant to the Yakima Treaty (12 Stat. 951), the Warm Springs Treaty (12 Stat. 963), the Umatilla Treaty (12 Stat. 945), and the Nez Perce Treaty (12 Stat. 957), while having on (~~their~~) his or her person (~~their~~) his or her Federal Tribal Identification Card to take, fish for and possess food fish for commercial purposes in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, (~~and~~) 1H, and 1E1 in accordance with the (~~following regulations~~) rules in this chapter.

WAC 220-22-010 Columbia River Salmon Management and Catch Reporting Areas. (1) **Area 1A** ((shall)) includes those waters of the Columbia River easterly of a line projected from the inshore end of the north jetty in the state of Washington to the knuckle of the south jetty in the state of Oregon, and westerly of a line projected from Grays Point in Washington to Tongue Point in Oregon.

(2) **Area 1B** ((shall)) includes those waters of the Columbia River easterly of a line projected from Grays Point in the state of Washington to the flashing 4-second lighted red buoy #44 off the easterly tip of Tongue Point in the state of Oregon, and westerly of a line projected from the 4-second flashing green lighted marker #81 on the Washington bank to a boundary marker on the easterly end of the Beaver Terminal Pier in Oregon, including all waters of Grays Bay, those waters of Deep River downstream of the Highway 4 Bridge, all waters of Seal Slough, those waters of Grays River downstream of a line projected between fishing boundary markers on both banks at the Leo Reisticka farm, and those waters of Elokommin Slough and Elokommin River downstream of the Highway 4 Bridge.

(3) **Area 1C** ((shall)) includes those waters of the Columbia River easterly of a line projected from the 4-second flashing green lighted marker #81 on the Washington bank to a boundary marker on the easterly end of the Beaver Terminal Pier in Oregon, and westerly of a line projected true west from the east or upstream bank of the Lewis River mouth in Washington.

(4) **Area 1D** ((shall)) includes those waters of the Columbia River upstream of a line projected true west from the east or upstream bank of the Lewis River mouth in Washington state and westerly of a line projected true north from Rooster Rock in Oregon, and those waters of Camas Slough downstream of the westernmost powerline crossing at the James River mill.

(5) **Area 1E** ((shall)) includes those waters of the Columbia River easterly of a line projected true north from Rooster Rock in the state of Oregon, and westerly of a line projected from a deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse #1) in a straight line through the western tip of Pierce Island, to a deadline marker on the Washington bank at Beacon Rock.

(6) **Area 2S** includes those waters of the Columbia River from a true north/south line through the Washougal flashing red light "50" near the Oregon bank upstream to a straight line projected from a deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse #1) through the western tip of Pierce Island, to a deadline marker on the Washington bank at Beacon Rock.

(7) **Area 1E1** includes those waters of the Columbia River easterly of a line projected from a deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse #1) in a straight line through the western tip of Pierce Island, to a deadline marker on the Washington bank at Beacon Rock, and easterly to Bonneville Dam.

(8) **Area 1F** (Bonneville Pool) ((shall)) includes those waters of the Columbia River upstream from the Bridge of the Gods, located approximately 2.3 miles above Bonneville Dam, and downstream of a line

projected from the west end of the Port of The Dalles Dock across the Columbia River to a Washington department of fish and wildlife boundary marker on the Washington shore.

~~((7))~~ (9) Area 1G (The Dalles Pool) ~~((shall))~~ includes those waters of the Columbia River upstream from a line projected from an Oregon department of fish and wildlife deadline marker on the Oregon shore to the 5-mile-lock light (6 seconds red) on an island near the Oregon shore, to an island near the Washington shore to a Washington department of fish and wildlife fishing boundary marker on the Washington shore at the southwest corner of Horsethief Lake, SP&S Railroad fill and downstream of a line projected across the thread of the Columbia River at the grain elevator at Rufus, Oregon, to a deadline marker on the Washington shore.

~~((8))~~ (10) Area 1H (John Day Pool) ~~((shall))~~ includes those waters of the Columbia River upstream from a line projected across the thread of the Columbia River from a fishing boundary marker approximately 1/2-mile above the John Day River, Oregon, to a fishing boundary marker on the Washington shore and downstream of a line projected across the thread of the Columbia River from the upstream bank of the Umatilla River.

~~((9))~~ (11) Select areas:

(a) **Blind Slough Select Area.** Blind Slough fishing area includes all waters from markers at the mouth of Gnat Creek located approximately 0.5 mile upstream of the county road bridge downstream to markers at the mouth of Blind Slough.

(b) **Knappa Slough Select Area.** Knappa Slough fishing area includes all waters bounded by a line from the north marker at the mouth of Blind Slough, westerly to a marker on Karlson Island, downstream to boundary lines defined by markers on the west end of Minaker Island to markers on Karlson Island and the Oregon shore.

(c) **Tongue Point Select Area.** Tongue Point fishing area includes all waters bounded by a line from a marker midway between the red USCG navigation light #2 at the tip of Tongue Point and the downstream (northernmost) pier (#8) at the Tongue Point Job Corps facility, to the flashing green USCG navigation light #3 on the rock jetty at the west end of Mott Island, a line from a marker at the southeast end of Mott Island northeasterly to a marker on the northwest tip of Lois Island, and a line from a marker on the southwest end of Lois Island westerly to a marker on the Oregon shore.

(d) **South Channel Select Area.** South Channel area includes all waters bounded by a line from a marker on John Day Point through the green USCG buoy #7 to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to the flashing red USCG marker #10, northwesterly to a marker on Burnside Island defining the upstream terminus of South Channel.

(e) **Deep River Select Area.** Deep River fishing area includes all waters downstream of the town of Deep River to the mouth defined by a line from USCG navigation marker #16 southwest to a marker on the Washington shore.

(f) Cathlamet Channel Select Area. Cathlamet Channel catch area includes waters easterly from a line drawn from the westerly tip of Puget Island through green buoy #41 north to light #39 to a line drawn from the eastern tip of Puget Island through flashing green #4s buoy then to the southern tip of Cape Horn.