



# RULE-MAKING ORDER

**CR-103E (May 2009)**  
(Implements RCW 34.05.360)

**Agency:** Washington Department of Fish and Wildlife

**Emergency Rule Only**

**Effective date of rule:**

**Emergency Rules 10-230**

- 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:** Amend personal use 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Repealed: WAC 232-28-61900D  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 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 this for this finding: There are large numbers of upriver bright hatchery fall Chinook returning to the Snake River. Retention of hatchery fall Chinook is not expected to increase impacts to Endangered Species Act listed wild fall Chinook. Therefore, a limited retention fishery on adipose clipped hatchery fall Chinook is authorized. This regulation is compatible with regulations authorized by Oregon and Idaho management agencies allowing harvest of hatchery fall Chinook in the Idaho and Oregon boundary waters of the Snake River. There is insufficient time to adopt permanent rules.

**Date adopted:** September 10, 2010

**NAME (TYPE OR PRINT)**

Philip Anderson

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: September 10, 2010**

**TIME: 11:34 AM**

**WSR 10-19-036**

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	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	1
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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:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

NEW SECTION

**WAC 232-28-61900D Exceptions to statewide rules—Snake River.**

Notwithstanding the provisions of WAC 232-28-619, effective immediately through October 31, 2010, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

(1) A person may fish for salmon in waters of the Snake River from the Highway 12 Bridge south bound lane to Lower Granite Dam. Daily limit of two hatchery Chinook jacks, less than 24 inches in length. Minimum size for Chinook is 10 inches in length. Barbless hooks required.

(2) A person may fish for salmon in waters of the Snake River from Lower Granite Dam to the Oregon state line. Daily limit of two hatchery Chinook, of which only one may be an adult 24 inches or greater. Minimum size for Chinook is 10 inches in length. Barbless hooks required, and anglers must stop fishing for salmon once an adult salmon has been retained.

REPEALER

The following section of the Washington Administrative Code is repealed effective November 1, 2010:

WAC 232-28-61900D Exceptions to statewide rules—Snake River,

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(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 this finding: There are large numbers of upriver bright hatchery fall Chinook returning to the Snake River. Retention of hatchery fall Chinook is not expected to increase impacts to Endangered Species Act listed wild fall Chinook. Therefore, a limited retention fishery on adipose clipped hatchery fall Chinook is authorized. This regulation is compatible with regulations authorized by Oregon and Idaho management agencies allowing harvest of hatchery fall Chinook in the Idaho and Oregon boundary waters of the Snake River. There is insufficient time to adopt permanent rules.

**(10-230, 9/10/2010)**

