



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 12-50

- Immediately upon filing.
- Later (specify) April 20, 2012

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Repealed: WAC 232-28-61900M
 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: The predicted 314,200 upriver spring Chinook return allows for fishing opportunities in the Snake River within Washington. There is insufficient time to adopt permanent rules.

Date adopted: April 6, 2012

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 06, 2012

TIME: 9:30 AM

WSR 12-09-021

**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| Federal statute: | New | _____ | Amended | _____ | Repealed | _____ |
| Federal rules or standards: | New | _____ | Amended | _____ | Repealed | _____ |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 | _____ |
|-----|-------|---------|-------|----------|-------|

The number of sections adopted in the agency's own initiative:

| | | | | | |
|-----|----------|---------|-------|----------|----------|
| New | <u>1</u> | Amended | _____ | Repealed | <u>1</u> |
|-----|----------|---------|-------|----------|----------|

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

| | | | | | |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

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 232-28-61900M Exceptions to statewide rules—Snake River.

Notwithstanding the provisions of WAC 232-28-619:

- (1) Effective April 20 through May 24, 2012, a person may fish for and possess salmon in waters of the Snake River from the South Bound Highway 12 Bridge at Pasco upstream about 7 miles to the fishing restriction boundary below Ice Harbor Dam. Daily limit of two adult hatchery Chinook, plus four jack Chinook salmon. Minimum size for Chinook is 12 inches in length.
 - (a) All Chinook with the adipose fin intact, and all steelhead, must be released immediately, unharmed.
 - (b) Hooks must be barbless when fishing for all species, and only single barbless hooks are allowed when fishing for sturgeon.
 - (c) It is unlawful to use any hook larger than 5/8-inch (point of hook to shank) for all species except sturgeon.
 - (d) Night closure is in effect for salmon and sturgeon.
 - (e) For all areas open for Chinook, anglers must cease fishing for Chinook when the adult limit has been retained for the day.

- (2) Effective April 25 through May 31, 2012, a person may fish for and possess salmon in the following waters of the Snake River:
 - (a) Snake River from the railroad bridge approximately ½ mile downstream of Tucannon River mouth, upriver to the fishing restriction boundary below Little Goose Dam, and from Little Goose Dam to the Corps of Engineers boat launch approximately 1 mile upstream of Little Goose Dam (along the south shoreline). This zone includes the area between the juvenile bypass return pipe and Little Goose Dam along the south shoreline of the facility (includes the walkway area locally known as “the wall” in front of the juvenile collection facility).
 - (b) Snake River from Casey Creek Canyon Road on the Garfield County shore (approximately 6 miles downstream of Lower Granite Dam) to the fishing restriction boundary downstream of Lower Granite Dam.
 - (c) Snake River from the intersection of Steptoe Canyon Road with Hwy 193 (Snake River Road) on the Whitman County shore, upriver approximately 12 miles to the Idaho state line (from the east levee of the Greenbelt boat launch in Clarkston, northwest across the Snake River to the WA/ID boundary marker on the Whitman County shore).
 - (i) Daily limit of two adult hatchery Chinook and four jack Chinook salmon. Minimum size for Chinook is 12 inches in length.
 - (ii) However, when fishing along “the wall” and walkway area upstream of the juvenile fish bypass return pipe below Little Goose Dam, the daily limit is one adult hatchery Chinook and one jack salmon. Anglers must cease fishing when the one allowed adult is retained. Minimum size for Chinook is 12 inches in length.
 - (iii) All Chinook with the adipose fin intact, and all steelhead, must be release immediately, unharmed.

- (iv) Hooks must be barbless when fishing for all species, and only single barbless hooks are allowed when fishing for sturgeon.
- (v) It is unlawful to use any hook larger than 5/8-inch (point of hook to shank) for all species except sturgeon.
- (vi) Night closer is in effect for salmon and sturgeon.
- (vii) For all areas open for Chinook, anglers must cease fishing for Chinook when the adult limit has been retained for the day.

REPEALER

The following section of the Washington Administrative Code is repealed effective June 1, 2012:

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

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 this finding: The predicted 314,200 upriver spring Chinook return allows for fishing opportunities in the Snake River within Washington. There is insufficient time to adopt permanent rules.

(12-50, 4/6/2012)

