



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 13-123

- Immediately upon filing.
- Later (specify) June 14, 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Repealed:
 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: Based on the updated run prediction (now at 115,000 spring Chinook at the mouth of the Columbia River) the available harvest allocation for non-tribal fisheries in the Snake River has been modestly increased. Fishery managers expect to remain within available harvest and Endangered Species Act (ESA) allocations with the projected increase for the spring Chinook run. There is insufficient time to adopt permanent rules.

Date adopted: June 12, 2013

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 12, 2013

TIME: 3:53 PM

WSR 13-13-029

(COMPLETE REVERSE SIDE)

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

Notwithstanding the provisions of WAC 232-28-619:

- (1) Effective June 17, 2013, until further notice, 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. Open Mondays only. Daily limit of five hatchery Chinook, of which not more than one may be an adult hatchery Chinook. 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. Beginning June 16, 2013, up to three adipose clipped hatchery steelhead may be retained.
 - (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 retention anglers must cease fishing for Chinook when the adult limit has been retained for the day.

- (2) Effective June 18, 2013, until further notice, a person may fish for and possess salmon in the following waters of the Snake River from Texas Rapids boat launch (south side of the river approximately 3.5 miles upstream of the mouth of Tucannon River) to the fishing restriction boundary below Little Goose Dam. Minimum size for Chinook is 12 inches in length. 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). Open Tuesdays only. Daily limit of five hatchery Chinook, of which not more than one may be an adult hatchery Chinook.
 - (a) All Chinook with the adipose fin intact, and all steelhead, must be released immediately, unharmed. Beginning June 16, 2013, up to three adipose clipped hatchery steelhead may be retained.
 - (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 retention anglers must cease fishing for Chinook when the adult limit has been retained for the day.
 - (f) 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 hatchery jack salmon. Anglers must cease fishing when the one allowed adult is retained. Minimum size for Chinook is 12 inches in length.

- (3) Effective June 14, 2013, until further notice, a person may fish for and possess salmon in the following waters of the Snake River from the intersection of Steptoe Canyon Road with Wawawai 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). Open Fridays and Saturdays only. Daily limit of five hatchery Chinook, of which not more than one may be an adult hatchery Chinook. 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. Beginning June 16, 2013, up to three adipose clipped hatchery steelhead may be retained.
 - (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 retention anglers must cease fishing for Chinook when the adult limit has been retained for the day.

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: Based on the updated run prediction (now at 115,000 spring Chinook at the mouth of the Columbia River) the available harvest allocation for non-tribal fisheries in the Snake River has been modestly increased. Fishery managers expect to remain within available harvest and Endangered Species Act (ESA) allocations with the projected increase for the spring Chinook run. There is insufficient time to adopt permanent rules.

(13-123, 6/12/2013)

