



# 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 13-239**

- Immediately upon filing.
- Later (specify) September 23, 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Repealed: WAC 232-28-61900E, WAC 232-28-61900R  
 Amended: WAC 232-28-619  
 Suspended:

**Statutory authority for adoption:** RCW 77.04.020 and 77.12.047

**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 Columbia River in-season forecast for returning up river bright fall Chinook has been upgraded to 832,500. Estimates based on PIT tag expansions from returning Chinook suggest that over 50 thousand fall Chinook may return to the Snake River this fall. Expansion of the fishery area to include the Snake River / Columbia River Confluence Protection Area is not expected to increase impacts to ESA listed wild fall Chinook. Therefore, adipose clipped hatchery fall Chinook that are caught can be retained in the Snake River / Columbia River Confluence Protection Area and in the Snake River. There is insufficient time to adopt permanent rules.

**Date adopted:** September 20, 2013

**NAME (TYPE OR PRINT)**  
Philip Anderson

**SIGNATURE**



**TITLE**  
Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: September 20, 2013**  
**TIME: 4:02 PM**

**WSR 13-20-015**

**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	<u>2</u>
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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	_____

ORDER NO. 13-239

NEW SECTION

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

Notwithstanding the provisions of WAC 232-28-619, effective September 23 through October 31, 2013, 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 mouth upstream to the Oregon state line (located approximately 7 miles upstream of the mouth of the Grande Ronde River).
  - (a) Daily limit of three hatchery Chinook adults (24 inches in length and larger), and six hatchery jack Chinook (less than 24 inches). Minimum size for Chinook that can be retained is 12 inches.
  - (b) Barbless hooks are required, and anglers must stop fishing for salmon once they retain 3 hatchery steelhead (regardless of whether the salmon daily limit has been retained).
  - (c) Anglers must immediately release unharmed all Chinook and steelhead with unclipped adipose fins. Anglers cannot remove any Chinook or steelhead from the water unless it is retained as part of the daily limit.
  - (d) Retained adipose fin-clipped fish must have a healed scar at the location of the missing fin.

REPEALERS

The following section of the Washington Administrative Code is repealed effective September 23, 2013:

WAC 232-28-61900E Exceptions to statewide rules—Snake River. (13-194)

The following section of the Washington Administrative Code is repealed effective November 1, 2013:

WAC 232-28-61900R 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.

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**(13-239, 9/20/2013)**