



# 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 15-85**

- Immediately upon filing.
- Later (specify) May 2, 2015

**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 for the Yakima River

**Citation of existing rules affected by this order:**

Repealed: WAC 220-310-19500R  
 Amended: WAC 220-310-195  
 Suspended:

**Statutory authority for adoption:** RCW 77.04.012, 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: Yakama Nation and Washington Department of Fish and Wildlife fishery managers are forecasting a harvestable return of 3,900 adult hatchery spring Chinook salmon to the Yakima River in 2015. Opening the two sections of the Yakima River for spring Chinook salmon will provide additional fishing opportunity. There is insufficient time to adopt permanent rules.

**Date adopted:** April 23, 2015

**NAME (TYPE OR PRINT)**

J W Unsworth

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: April 23, 2015**

**TIME: 10:15 AM**

**WSR 15-10-009**

**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>1</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	_____

NEW SECTION

**WAC 220-310-19500R Exceptions to statewide rules—Yakima River.**

Notwithstanding the provisions of WAC 220-310-195:

- (1) Effective May 2 through June 15, 2015, it is permissible to fish for salmon in waters of the Yakima River from the Hwy. 240 bridge in Richland (river mile 2.1) to the Grant Avenue bridge in Prosser (river mile 47.0) approximately 1,000 feet downstream of Prosser Dam.
  - (a) Daily limit of two hatchery Chinook, minimum size 12 inches in length.
  - (b) Terminal gear is restricted to two single (point) barbless hooks with a hook gap from point to shank of 3/4 inch or less when fishing for salmon. It is permissible to use bait.
  - (c) The Yakima River adjacent to the USBR Chandler Powerhouse/Pumping Station is closed to all fishing from the WDFW white markers 200 feet downstream of the spillway chute to the power line crossing immediately upstream of the powerhouse.
  
- (2) Effective May 9 through June 30, 2015, it is permissible to fish for salmon in waters of the Yakima River from the Interstate 82 bridge at Union Gap (river mile 107.1) to the BNSF railroad bridge approximately 600 feet downstream of Roza Dam (river mile 127.8).
  - (a) Daily limit of two hatchery Chinook, minimum size 12 inches in length.
  - (b) When fishing for salmon, terminal gear is restricted to two single (point) barbless hooks with a hook gap from point to shank of 3/4 inch or less.
  - (c) During the salmon fishery, the Selective Gear Rules requirement prohibiting use of bait and knotted nets is temporarily suspended for all species, but only in the river section open to salmon fishing. Night closure is in effect.
  - (d) The upper “closed water” boundary line is moved upstream to the railroad bridge downstream of Roza Dam.
  
- (3) In both areas open to salmon fishing, the use of two (2) fishing poles is permitted during the salmon fishery provided the participating angler possesses a valid “Two-Pole Endorsement.”

REPEALER

The following section of the Washington Administrative Code is repealed effective July 1, 2015:

WAC 220-310-19500R Exceptions to statewide rules—Yakima River.

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**EMERGENCY RULE ONLY**

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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, 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:** Yakama Nation and Washington Department of Fish and Wildlife fishery managers are forecasting a harvestable return of 3,900 adult hatchery spring Chinook salmon to the Yakima River in 2015. Opening the two sections of the Yakima River for spring Chinook salmon will provide additional fishing opportunity. There is insufficient time to adopt permanent rules.

**(15-85, 4/22/2015)**

