



**RULE-MAKING ORDER
EMERGENCY RULE ONLY**

**CR-103E (December 2017)
(Implements RCW 34.05.350
and 34.05.360)**

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 11, 2019

TIME: 3:57 PM

WSR 19-15-042

Agency: Department of Fish and Wildlife (Order 19-155)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) July 16, 2019

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 salmon fishing rules in areas of the upper Columbia, Entiat, and Chelan Rivers.

Citation of rules affected by this order:

New:
 Repealed: WACC 220-312-06000Q
 Amended: WAC 220-312-060; WAC 220-312-050
 Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.12.045 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.

Reasons for this finding: This rule is needed to open recreational salmon fisheries in areas of the upper Columbia, Entiat, and Chelan Rivers. Forecasts of hatchery summer Chinook to Entiat and Chelan Falls hatchery programs indicate broodstock needs will be met and surplus hatchery Chinook are available for harvest. Removal of summer Chinook in the Entiat River will also help achieve conservation objectives for spring Chinook on the spawning grounds. There is insufficient time to adopt permanent rules.

**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| Federal statute: | New | ___ | Amended | ___ | Repealed | ___ |
| Federal rules or standards: | New | ___ | Amended | ___ | Repealed | ___ |
| Recently enacted state statutes: | New | ___ | Amended | ___ | Repealed | ___ |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 on the agency's own initiative:

New 2 Amended ____ Repealed 1

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 | ____ |

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|---|
| Date Adopted: July 11, 2019 |
| Name: Jim Scott for Kelly Susewind |
| Title: Director |

Signature:



NEW SECTION

WAC 220-312-06000R Freshwater exceptions to statewide rules—Columbia

Notwithstanding the provisions of WAC 220-312-060, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

(1) From Buoy 10 upstream to Megler-Astoria Bridge; salmon and steelhead open August 1 through August 20:

- (a) Night closure.
- (b) Daily limit 2.
- (c) No more than 1 Chinook may be retained.
- (d) Release all salmon and steelhead except Chinook and hatchery coho.

(2) From Megler-Astoria Bridge to a projected line from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon Bank; salmon and steelhead:

- (a) Open immediately through July 31, 2019:
 - (i) Night closure.
 - (ii) Daily limit 1.
 - (iii) Release all salmon and wild steelhead.
- (b) Open August 1 through August 20, 2019:
 - (i) Night closure.
 - (ii) Daily limit 2.
 - (iii) No more than 1 Chinook may be retained.
 - (iv) Release all salmon and steelhead except Chinook and hatchery coho.

(3) From a projected line from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon Bank to Hood River Bridge; salmon and steelhead:

- (a) Open immediately through July 31:
 - (i) Night closure.
 - (ii) Daily limit 1.
 - (iii) Release all salmon and wild steelhead.
- (b) Open August 1 through August 20:
 - (i) Night closure.
 - (ii) Daily limit 1.
 - (iii) Release all salmon and steelhead except Chinook and hatchery coho.

(4) From Hood River Bridge to John Day Dam; salmon and steelhead:

- (a) Open immediately through July 31:
 - (i) Night closure.
 - (ii) Daily limit 1.
 - (iii) Release all salmon and wild steelhead.
- (b) Salmon and steelhead open August 1 through August 20:

- (i) Night closure.
- (ii) Daily limit 1.
- (iii) Release all salmon and steelhead except Chinook and coho.

(5) From John Day Dam upstream to Hwy 395 at Pasco, WA; salmon and steelhead:

- (a) Open immediately through July 31:
 - (i) Night closure.
 - (ii) Daily limit 1.
 - (iii) Release all salmon and wild steelhead.
- (b) Salmon and steelhead open August 1 through August 20:
 - (i) Night closure.
 - (ii) Daily limit 1.
 - (iii) Release all salmon and wild steelhead except Chinook and coho.

(6) From Hwy 395 Bridge at Pasco, WA upstream to Priest Rapids Dam: Salmon and steelhead closed immediately through August 15.

(7) From the upstream line of Rocky Reach Dam to the boundary markers 400' below the spawning channel discharges (on Chelan County side) and the fish ladder (on Douglas County side) at Wells Dam; salmon:

- (a) Open July 16 through October 15, 2019.
- (b) Daily limit 6.
- (c) No more than 2 adult Chinook may be retained.
- (d) Release wild adult Chinook, sockeye, and coho.
- (e) Anglers who possess a valid two-pole endorsement may fish for salmon with two lines.

NEW SECTION

WAC 220-312-05000K Freshwater exceptions to statewide rules—Eastside.

Notwithstanding the provisions of WAC 220-312-050, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

(1) Chelan River: From the mouth (railroad bridge) to the Chelan PUD safety barrier below the powerhouse; salmon:

- (a) Open one hour before official sunrise July 16 to one hour after official sunset on October 15, 2019.
- (b) Daily limit 6.
- (c) No more than 2 adult Chinook may be retained.
- (d) Release wild adult Chinook, sockeye, and coho.

(2) Entiat River: From the mouth (railroad bridge) to the boundary markers located approximately 1,500' upstream of the upper Roaring Creek Road Bridge (immediately downstream of the Entiat National Fish Hatchery); salmon:

- (a) Open one hour before official sunrise on July 16 to one hour after official sunset on September 30, 2019.
- (b) Daily limit 6.
- (c) Release sockeye and coho.

REPEALER

The following section of the Washington Administrative Code is repealed effective July 16, 2019:

WAC 220-312-06000Q Freshwater exceptions to statewide rules—Columbia (19-147)

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, 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.