



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: August 29, 2019

TIME: 11:34 AM

WSR 19-18-037

Agency: Department of Fish and Wildlife (Order 19-202)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) September 1, 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 steelhead and salmon rules for the Columbia, Klickitat, Lewis, White Salmon, and Wind Rivers.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-312-03000Y; WAC 220-312-06000T
 Amended: WAC 220-312-030; WAC 220-312-060
 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: The Columbia River upriver steelhead run-size was recently downgraded. Some Washington hatcheries are projecting broodstock collection shortfalls. Closing retention of hatchery steelhead in the listed tributary reaches and lower mainstem Columbia will help to provide additional fish for hatchery broodstock and provide future fishing opportunity. This action is consistent with Columbia River compact action taken August 28, 2019.

This rule also reopens Chinook retention on the Lewis River from Johnson Creek to the overhead power lines below Merwin Dam by reverting to permanent rules as listed in the regulation pamphlet. This rule provides anglers opportunity for fall Chinook as hatchery collection of spring Chinook will be completed by September 1.

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	_____

NEW SECTION

WAC 220-312-03000A Freshwater exceptions to statewide rules—Southwest.

Notwithstanding the provisions of WAC 220-312-030, effective September 1, 2019:

- (1) **Klickitat River (Klickitat Co.):** From the mouth to Fisher Hill Bridge: Effective immediately through September 30, 2019: Release all steelhead.
- (2) **Toutle River, North Fork (Cowlitz Co.),** from the mouth (confluence with South Fork) to posted markers downstream of the fish collection facility; salmon, effective immediately until further notice:
 - (a) Daily limit 6; up to 4 may be adults.
 - (b) Release all salmon other than hatchery coho.
- (3) **White Salmon River (Klickitat/Skamania Co.):** From the mouth (Burlington Northern Railroad Bridge) to the county road bridge below the former location of the powerhouse: Effective immediately through September 30, 2019: Release all steelhead.
- (4) **Wind River (Skamania Co.):** From the mouth to 400 feet downstream of Shipherd Falls fish ladder: Effective immediately through September 30, 2019: Release all steelhead.

NEW SECTION

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

Notwithstanding the provisions of WAC 220-312-060, effective September 1, 2019:

- (1) **From Buoy 10 upstream to The Dalles Dam;** salmon and steelhead; effective immediately through September 30, 2019: Release all steelhead.
- (2) **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; effective immediately through October 15, 2019:
 - (a) Daily limit 6.
 - (b) No more than 2 adult Chinook may be retained.
 - (c) Release wild adult Chinook, sockeye, and coho.
 - (d) Anglers who possess a valid two-pole endorsement may fish for salmon with two lines.
- (3) **From the Highway 173 Bridge at Brewster upstream to the Highway 17 Bridge near Bridgeport;** salmon; effective immediately until further notice:
 - (a) Daily limit 6.
 - (b) No more than 2 adult Chinook may be retained.
 - (c) Release wild adult Chinook, sockeye, and coho.

(d) Anglers who possess a valid two-pole endorsement may fish for salmon with two lines.

REPEALERS

The following sections of the Washington Administrative Code are repealed effective September 1, 2019:

WAC 220-312-06000T Freshwater exceptions to statewide rules—Columbia (19-170)

WAC 220-312-03000Y Southwest – Freshwater exceptions to statewide rules. (19-168)