



# 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: September 25, 2019

TIME: 12:01 PM

WSR 19-20-038

**Agency:** Washington Department of Fish and Wildlife (19-232)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.  
 Later (specify) September 26, 2019

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** The purpose of this rule-making is to allow non-treaty recreational fishing opportunity in the Columbia River while protecting fish listed as threatened or endangered under the Endangered Species Act. This rule-making implements federal court orders governing Washington's relationship with Treaty Indian Tribes, federal law governing Washington's relationship with Oregon, and Washington Fish and Wildlife Commission policy guidance for Columbia River fisheries.

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

New:  
Repealed: WAC 220-312-06000X  
Amended: WAC 220-312-060  
Suspended:

**Statutory authority for adoption:** RCW 77.04.012, 77.04.020, 77.04.130, 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:** Fall chinook catch estimates were recently updated, including for coho directed fisheries, and will exceed the recreational share of Upriver Bright Chinook allocation. The upriver steelhead run-size is below forecast and several hatchery programs within the Snake and Clearwater basins are projecting broodstock collection shortfalls. Conservation objectives are still expected to be met. 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	<u>1</u>	Amended	___	Repealed	1
Federal rules or standards:	New	<u>1</u>	Amended	___	Repealed	1
Recently enacted state statutes:	New	<u>1</u>	Amended	___	Repealed	1

**The number of sections adopted at the request of a nongovernmental entity:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted on the agency's own initiative:**

New	<u>1</u>	Amended	___	Repealed	1
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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:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

**Date Adopted:** September 25, 2019

**Name:** Amy Windrope for Kelly Susewind

**Title:** Director

**Signature:**



## NEW SECTION

### **WAC 220-312-06000Y Freshwater exceptions to statewide rules—Columbia**

Notwithstanding the provisions of WAC 220-312-060, effective September 26, 2019:

- (1) **From Buoy 10 upstream to the Tongue Point/Rocky Point line:** Effective September 26 until further notice: Release all Chinook salmon. Release steelhead through September 30.
- (2) **From the Tongue Point/Rocky Point line to Bonneville Dam;**
  - (a) Effective September 26 through October 31, 2019: Closed to all salmon and steelhead.
- (3) **From Bonneville Dam to the Hwy. 395 Bridge (Pasco/Kennewick):** Effective September 26 through December 31, 2019: Closed to all salmon and steelhead.
- (4) **From Hwy. 395 Bridge (Pasco/Kennewick) to the Old Hanford townsite powerline crossing;** salmon; effective through October 31, 2019: Daily limit 6, up to 1 adult may be retained.
- (5) **From the Old Hanford townsite powerline crossing to Priest Rapids Dam;** salmon; effective through October 15, 2019: Daily limit 6, up to 1 adult may be retained.
- (6) **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.
- (7) **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.

## REPEALER

The following section of the Washington Administrative Code is repealed effective September 26, 2019:

WAC 220-312-06000X Freshwater exceptions to statewide rules—Columbia (19-222)

