



# 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: December 20, 2019

TIME: 2:39 PM

WSR 20-02-038

**Agency:** Department of Fish and Wildlife (Order 19-313)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.  
 Later (specify) January 1, 2020

**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 fishing rules for the Snake River and its tributaries.

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

New:  
Repealed: WAC 220-312-05000R; WAC 220-312-05000V  
Amended: 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 emergency rule is needed to close or reduce daily limits of hatchery steelhead in the Snake River and its tributaries, necessitated by updated, in season summer steelhead run information. The Snake River from the mouth to the Couse Creek Boat Ramp will remain closed to fishing for salmon and steelhead until March 31, 2020. WDFW has reviewed the adult run size for both A and B-run summer steelhead passing Ice Harbor Dam and has two conservation concerns within this regulatory reach:

- 1) Asotin Creek Steelhead—Asotin Creek has a wild population of steelhead that is predicted to have very low returns this year (in season updates indicate less than 200 adult fish). Any additional fishing between Clarkston and Couse Creek could have negative impacts on this population.
- 2) Snake River B-run Steelhead - Conservation measures have been in place to protect natural and hatchery B-run steelhead since July in the Columbia River and September in the Snake River. The department believes it is important to provide continued protection for these fish within the Columbia and Snake rivers to maximize survival and return of both wild and hatchery origin B-run steelhead.

The Snake River from the Couse Creek Boat Ramp to the Idaho/Oregon border will remain open to steelhead angling under a one fish daily limit. This portion of the river has adequate wild and hatchery A-run steelhead present to allow for limited angling opportunity. There are very few B-run steelhead present in this reach of the river allowing for very little conservation risk in allowing a limited fishery. These restrictions are in place to ensure adequate passage and survival into the upper basin of A-run steelhead. WDFW is confident that implementing this rule will provide for adequate survival of wild and hatchery steelhead to help to ensure that escapements are met in all hatcheries and wild population groups within the Snake River basin.

This rule also reduces daily limits of hatchery steelhead within Snake River tributaries (Grande Ronde, Touchet, Tucannon, and Walla Walla Rivers) due to upper Columbia and Snake River summer steelhead returns that have fallen well below the preseason prediction. The final count for these summer run fish over Bonneville Dam is less than 78,000 fish, (the preseason forecast was for over 118,000. Reduced limits for these streams are intended to ensure reaching hatchery brood escapement needs and limiting impacts to wild steelhead.

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

New	1	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:**

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

**Date Adopted:** December 20, 2019

**Name:** Kelly Susewind

**Title:** Director

**Signature:**

## NEW SECTION

### **WAC 220-312-05000V Freshwater exceptions to statewide rules—Eastside.**

Notwithstanding the provisions of WAC 220-312-050, effective January 1, 2020:

- (1) **Grande Ronde River (Asotin County): from the mouth to the Washington/Oregon boundary:** Effective immediately through April 15, 2020: Steelhead daily limit is 1 hatchery steelhead, anglers must stop fishing for steelhead after their daily limit has been retained.
- (2) **Snake River (Franklin/Walla Wall Counties):**
  - (a) **From the mouth (Burbank-to-Pasco railroad bridge at river mile 1.25) to Couse Creek Boat Ramp:** Effective Immediately through March 31, 2020: Closed to fishing for and retaining steelhead.
  - (b) **From Couse Creek Boat Ramp to ID / OR border:** Effective immediately through March 31, 2019: Steelhead daily limit is 1 hatchery steelhead, anglers must stop fishing for steelhead after their daily limit has been retained.
- (3) **Touchet River (Walla Walla County): from mouth to the confluence of North and South Forks:** Effective immediately through April 15, 2020: Steelhead daily limit is 1 hatchery steelhead, anglers must stop fishing for steelhead after their daily limit has been retained.
- (4) **Tucannon River (Columbia/Garfield Counties): from mouth to the Tucannon Hatchery Road Bridge:** Effective immediately through April 15, 2020: Steelhead daily limit is 1 hatchery steelhead, anglers must stop fishing for steelhead after their daily limit has been retained.
- (5) **Walla Walla River (Walla Walla County): from mouth to the Washington/Oregon border:** Effective immediately through April 15, 2020: Steelhead daily limit is 1 hatchery steelhead, anglers must stop fishing for steelhead after their daily limit has been retained.

## REPEALERS

The following section of the Washington Administrative Code is repealed effective January 1, 2020:

WAC 220-312-05000R Freshwater exceptions to statewide rules—Eastside. (19-248)

The following section of the Washington Administrative Code is repealed effective April 16, 2020:

WAC 220-312-05000V Freshwater exceptions to statewide rules—Eastside. (19-313)

