



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 14-82

- Immediately upon filing.
- Later (specify) April 24, 2014

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

Citation of existing rules affected by this order:

Repealed: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

Statutory authority for adoption: RCW 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: Based on the pre-season prediction for a relatively good return of spring Chinook and angler input requesting an emphasis for a longer fishery season, Snake River fisheries in each of these zones are available for only three days per week. The restrictions on the fishery ensure sharing of fishing opportunities with upriver fishery zones, and enables managers to ensure that the fisheries comply with Endangered Species Act (ESA) restrictions and harvest allocations available for the Snake River. There is insufficient time to adopt permanent rules.

Date adopted: April 18, 2014

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 18, 2014

TIME: 11:20 AM

WSR 14-09-075

**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 in the agency's own initiative:

New	<u>1</u>	Amended	_____	Repealed	_____
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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	_____

NEW SECTION

WAC 220-310-19500F Freshwater exceptions to statewide rules—Snake River.

Notwithstanding the provisions of WAC 220-310-195:

- (1) Effective April 24, 2014, until further notice, a person may fish for and possess salmon in the following waters of the Snake River from Texas Rapids boat launch (south side of the river approximately 3.5 miles upstream of the mouth of Tucannon River) to the fishing restriction boundary below Little Goose Dam. Minimum size for Chinook is 12 inches in length. This zone includes the area between the juvenile bypass return pipe and Little Goose Dam along the south shoreline of the facility (includes the walkway area locally known as “the wall” in front of the juvenile collection facility). Open Thursday through Saturday each week. Daily limit of six hatchery Chinook, of which not more than one may be an adult Chinook.
 - (a) All Chinook with the adipose fin intact, and all steelhead, must be released immediately, unharmed.
 - (b) Hooks must be barbless when fishing for all species during times and in locations open for salmon fishing and retention, and only single barbless hooks are allowed when fishing for sturgeon.
 - (c) It is unlawful to use any hook larger than 5/8-inch (point of hook to shank) for all species except sturgeon.
 - (d) Night closure is in effect for salmon and sturgeon.
 - (e) For all areas open for Chinook, anglers must cease fishing for Chinook when the adult limit has been retained for the day.
 - (f) When fishing along “the wall” and walkway area upstream of the juvenile fish bypass return pipe below Little Goose Dam, the daily limit is one adult hatchery Chinook and two hatchery jack salmon. Anglers must cease fishing when the one allowed adult is retained. Minimum size for Chinook is 12 inches in length.
- (2) Effective April 24, 2014, until further notice, a person may fish for and possess salmon in the following waters of the Snake River from the downstream edge of the large power lines crossing the Snake River (just upstream from the West Evans Road on the south shore) upstream about 3.5 miles to the Washington state line (from the east levee of the Greenbelt boat launch in Clarkston northwest across the Snake River to the WA/ID boundary waters marker on the Whitman County shore). Open Thursday through Saturday each week. Daily limit of six hatchery Chinook, of which not more than one may be an adult Chinook. Minimum size for Chinook is 12 inches in length.
 - (a) All Chinook with the adipose fin intact, and all steelhead, must be released immediately, unharmed.
 - (b) Hooks must be barbless when fishing for all species during times and in locations open for salmon fishing and retention, and only single barbless hooks are allowed when fishing for sturgeon.
 - (c) It is unlawful to use any hook larger than 5/8-inch (point of hook to shank) for all species except sturgeon.
 - (d) Night closure is in effect for salmon and sturgeon.
 - (e) For all areas open for Chinook, anglers must cease fishing for Chinook when the adult limit has been retained for the day.

- (3) Effective April 27, 2014, until further notice, a person may fish for and possess salmon in waters of the Snake River from the South Bound Highway 12 Bridge at Pasco upstream about 7 miles to the fishing restriction boundary below Ice Harbor Dam. Open Sunday through Tuesday each week. Daily limit of six hatchery Chinook, of which not more than one may be an adult Chinook. Minimum size for Chinook is 12 inches in length.
- (a) All Chinook with the adipose fin intact, and all steelhead, must be released immediately, unharmed.
 - (b) Hooks must be barbless when fishing for all species during times and in locations open for salmon fishing and retention, and only single barbless hooks are allowed when fishing for sturgeon.
 - (c) It is unlawful to use any hook larger than 5/8-inch (point of hook to shank) for all species except sturgeon.
 - (d) Night closure is in effect for salmon and sturgeon.
 - (e) For all areas open for Chinook, anglers must cease fishing for Chinook when the adult limit has been retained for the day.
- (4) Effective April 27, 2014, until further notice, a person may fish for and possess salmon in waters of the Snake River from the south shore boat launch (Ilia boat launch) across to the mouth of Almota Creek upstream about four miles to the restricted fishing area below Lower Granite Dam. Open Sunday through Tuesday each week. Daily limit of six hatchery Chinook, of which not more than one may be an adult Chinook. Minimum size for Chinook is 12 inches in length.
- (a) All Chinook with the adipose fin intact, and all steelhead, must be released immediately, unharmed.
 - (b) Hooks must be barbless when fishing for all species during times and in locations open for salmon fishing and retention, and only single barbless hooks are allowed when fishing for sturgeon.
 - (c) It is unlawful to use any hook larger than 5/8-inch (point of hook to shank) for all species except sturgeon.
 - (d) Night closure is in effect for salmon and sturgeon.
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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: Based on the pre-season prediction for a relatively good return of spring chinook and angler input requesting an emphasis for a longer fishery season, Snake River fisheries in each of these zones are available for only three days per week. The restrictions on the fishery ensure sharing of fishing opportunities with upriver fishery zones, and enables managers to ensure that the fisheries comply with Endangered Species Act (ESA) restrictions and harvest allocations available for the Snake River. There is insufficient time to adopt permanent rules. **(14-82, 4/18/2014)**