



# 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 15-213**

- Immediately upon filing.
- Later (specify) July 18, 2015

**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Repealed: WAC 220-310-20000M  
 Amended: WAC 220-310-200  
 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.
- 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:** (See Attachment)

**Date adopted:** July 17, 2015

**NAME (TYPE OR PRINT)**

J W Unsworth

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: July 17, 2015**

**TIME: 2:27 PM**

**WSR 15-15-135**

(COMPLETE REVERSE SIDE)

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____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	<u>1</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:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

NEW SECTION

**WAC 220-310-20000S Columbia – Freshwater exceptions to statewide rules.**

Notwithstanding the provisions of WAC 220-310-200 and WAC 220-56-282, effective July 18, 2015, until further notice, it is unlawful to fish for or retain sturgeon in the provisions below. Unless otherwise amended, all permanent rules remain in effect:

- (1) Mainstem Columbia and its tributaries from Bonneville Dam upstream to Chief Joseph Dam.
- (2) Snake River and its tributaries from the mouth upstream to the Washington/Oregon border.

REPEALER

The following section of the Washington Administrative Code is repealed effective July 18, 2015:

WAC 220-310-20000M Columbia River—Freshwater exceptions to statewide rules. (15-147)

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**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.

**Reasons for this finding:** Over the past 1-2 weeks, reports have been received of sturgeon mortalities in areas upstream of Bonneville Dam. The frequency and magnitude of the reported mortalities have increased sharply in recent days. The majority of these accounts have reported the sturgeon to be large, over-size fish generally considered as broodstock. At least 80 sturgeon mortalities have been observed by agency or enforcement personnel to date, primarily in John Day Pool. The cause of the mortalities is currently unknown but the low flows/high water temperatures affecting salmonids are suspected as a major contributor. The Washington Department of Fish and Wildlife and the Oregon Department of Fish and Wildlife held a Joint State Hearing today and both states agreed to close all fishing for sturgeon in joint waters above Bonneville Dam. In a separate action, Washington Department of Fish and Wildlife has decided to close all fishing for sturgeon upstream from the Washington/Oregon border near McNary Dam, including the Columbia and Snake rivers and their tributaries within Washington state waters.

The closure to all fishing (including catch-and-release) is an effort to reduce any additional stress on sturgeon, in particular the oversize broodstock populations.

**(15-213, 7/17/2015)**