



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 15-289

- Immediately upon filing.
- Later (specify) September 1, 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Repealed:
 Amended: WAC 220-310-195
 Suspended:

Statutory authority for adoption: RCW 77.04.012, 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: The 2015 Columbia River forecasted return of upriver bright adults is with 518,300 a significant portion of these fish are expected to return to the Snake River. A significant steelhead fishery also occurs in the area and some hatchery fall Chinook are expected to be caught during steelhead fishing. Retention of hatchery fall Chinook is not expected to increase impacts to ESA listed wild fall Chinook. Natural origin steelhead returns to the Tucannon River are not meeting management goals for conservation and therefore the fishery for hatchery steelhead must be modified to provide more protection of naturally produced steelhead in the Tucannon River. There is insufficient time to adopt permanent rules.

Date adopted: August 28, 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: August 28, 2015
TIME: 2:09 PM

WSR 15-18-079

**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	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in the agency's own initiative:

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	Amended	_____	Repealed	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

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

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 220-310-19500J Freshwater exceptions to statewide rules—Eastside.

Notwithstanding the provisions of WAC 220-310-195:

(1) **Snake River** – Effective September 1 through October 31, 2015, open for salmon in waters of the Columbia River from the railroad bridge between Burbank and Kennewick upstream approximately 2.1 miles to the first power line crossing upstream of the navigation light on the point of Sacajawea State Park (Snake River Confluence Protection Area) and on the Snake River from the mouth to the Oregon State line.

(a) Daily limit of six adipose fin-clipped fall Chinook adults (24 inches in length and larger), and six adipose fin-clipped jack fall Chinook (less than 24 inches). Minimum size for Chinook is 12 inches.

(b) Anglers must cease fishing for salmon and steelhead for the day once they have retained 3 hatchery steelhead regardless of whether the salmon daily limit has been retained.

(c) All Chinook with the adipose fin intact, and all steelhead, must be released immediately, unharmed.

(d) Barbless hooks are required when fishing for Chinook or steelhead.

(e) It is unlawful to remove any Chinook or steelhead from the water unless it is retained as part of the daily limit.

(2) **Tucannon River** – Effective September 1, 2015, until further notice, the following rules apply:

(a) Daily Limit is reduced to 2 hatchery steelhead per day.

(b) Mandatory hatchery steelhead retention is required.

(c) Barbless hooks are required while fishing for steelhead.

(d) Release all wild steelhead.

(e) The area from Marengo (at Turner Road Bridge) upstream is closed to fishing.

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: The 2015 Columbia River forecasted return of upriver bright adults is with 518,300 a significant portion of these fish are expected to return to the Snake River. A significant steelhead fishery also occurs in the area and some hatchery fall Chinook are expected to be caught during steelhead fishing. Retention of hatchery fall Chinook is not expected to increase impacts to ESA listed wild fall Chinook. Natural origin steelhead returns to the Tucannon River are not meeting management goals for conservation and therefore the fishery for hatchery steelhead must be modified to provide more protection of naturally produced steelhead in the Tucannon River. There is insufficient time to adopt permanent rules.

(15-289, 8/28/2015)