



# 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 16-74**

- Immediately upon filing.
- Later (specify) April 29, 2016

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

- Yes
  - No
- If Yes, explain:

**Purpose:** Amend fishing rules for the Yakima River

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

Repealed: WAC 220-310-19500D  
 Amended: WAC 220-310-195  
 Suspended:

**Statutory authority for adoption:** RCW 77.04.012, RCW 77.04.020 and RCW 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: Yakama Nation (YN) and WDFW fishery managers are forecasting a total return of 4,610 adult spring chinook to the Yakima River in 2016 (3,100 wild and 1,510 hatchery fish), representing 55% of the recent 10-year (2006-2015) average adult return of 8,320 spring chinook. There are a sufficient number of hatchery salmon returning to open the fishery, but the hatchery adult daily limit has been reduced from two to one fish corresponding to the reduced adult abundance. There is insufficient time to adopt permanent rules.

**Date adopted:** April 14, 2016

**NAME (TYPE OR PRINT)**  
J W Unsworth

**SIGNATURE**

**TITLE**  
Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** April 14, 2016

**TIME:** 2:25 PM

**WSR 16-09-040**

**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 220-310-19500D Exceptions to statewide rules—Yakima River.**

Notwithstanding the provisions of WAC 220-310-195:

(1) Effective April 29 through June 15, 2016; a person may fish for salmon in waters of the Yakima River from the Hwy. 240 bridge in Richland (river mile 2.1) to the Grant Avenue bridge in Prosser (river mile 47.0) approximately 1,000 feet downstream of Prosser Dam. Daily limit of two salmon with up to one adult hatchery Chinook, minimum size 12 inches in length. Release wild adult Chinook. Terminal gear is restricted to two, single (point), barbless hooks with a hook gap from point to shank of 3/4 inch or less when fishing for salmon. Use of bait is allowed.

(2) For the duration of the salmon fishery, the Yakima River adjacent to the USBR Chandler Powerhouse/Pumping Station is closed to all fishing from the WDFW white markers 200 feet downstream of the spillway chute to the power line crossing immediately upstream of the powerhouse.

(3) The Columbia River Salmon/Steelhead Endorsement is required to participate in this fishery, in addition to a freshwater fishing license.

(4) The use of two (2) fishing poles is permitted during the salmon fishery provided the participating angler has purchased a “Two-Pole Endorsement” (in addition to the freshwater fishing license and Columbia River salmon/steelhead endorsement).

REPEALER

The following section of the Washington Administrative Code is repealed effective June 16, 2016:

WAC 220-310-19500D Exceptions to statewide rules—Yakima River.

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( ) 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.

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**(16-74, 4/14/2016)**

