



# 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 16-122**

- Immediately upon filing.
- Later (specify) \_\_\_\_\_

**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 for the Snake River

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

Repealed: WAC 220-310-19500I, WAC 220-310-19500J  
 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: This emergency rule is needed to close the Ice Harbor and Clarkston spring Chinook fisheries while allowing an additional two days of angling for the Little Goose fishery. This decision was made because there are only 190 spring Chinook remaining in WDFW's catch share allotted to the Snake River. The projected harvest of all three fishery areas if left open for an additional week would exceed the remaining allotment. There is insufficient time to adopt permanent rules.

**Date adopted:** May 25, 2016

**NAME (TYPE OR PRINT)**  
Joe Stohr for J W Unsworth

**SIGNATURE**

**TITLE**  
Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: May 25, 2016**

**TIME: 3:37 PM**

**WSR 16-12-046**

**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>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:**

<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 220-310-19500J Freshwater exceptions to statewide rules—Snake River.**

Notwithstanding the provisions of WAC 220-310-195 and WAC 220-56-180, effective immediately through 8:30 p.m. May 30, 2016:

(1) 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 Sunday and Monday each week. Daily limit of six hatchery Chinook, of which not more than two 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) Anglers may possess 1 daily limit in fresh form in addition to the 2 daily limits in fresh form allowed by permanent rule.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-310-19500I Freshwater exceptions to statewide rules—Snake River. (16-107)

REPEALER

The following section of the Washington Administrative Code is repealed effective 8:31 p.m. May 30, 2016:

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

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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:** This emergency rule is needed to close the Ice Harbor and Clarkston spring Chinook fisheries while allowing an additional two days of angling for the Little Goose fishery. This decision was made because there are only 190 spring Chinook remaining in WDFW's catch share allotted to the Snake River. The projected harvest of all three fishery areas if left open for an additional week would exceed the remaining allotment. There is insufficient time to adopt permanent rules.

**(16-122, 5/25/2016)**