



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 16-229

- Immediately upon filing.
- Later (specify) September 15, 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 recreational fishing rules for Upper Columbia River

Citation of existing rules affected by this order:

Repealed: WAC 220-310-20000Z
 Amended: WAC 220-310-200
 Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.04.130, 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: Fall chinook salmon and steelhead are sedated in a chemical anesthetic, MS-222, during sampling at the Priest Rapids Dam. The U.S. Food and Drug Administration (FDA) requires a 21-day withdrawal period before human consumption of fish anesthetized in MS-222. WDFW staff are applying the 1/4 inch diameter hole, punched in the upper lobe of the tail of sampled fish, so that fishermen can visually identify fish that should be released. Salmon and steelhead marked and released at Priest Rapids Dam may be caught in fisheries both upstream and downstream. There is insufficient time to adopt permanent rules.

Date adopted: August 31, 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: August 31, 2016

TIME: 11:12 AM

WSR 16-18-050

**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	<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:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

NEW SECTION

WAC 220-310-20000Z Exceptions to statewide rules—Columbia River.

Notwithstanding the provisions of WAC 220-310-200, in waters of the Columbia River from the Highway 395 Bridge in Pasco to Chief Joseph Dam the following rules apply:

- (1) Effective September 15 through October 31, 2016, anglers are required to release Chinook salmon with a ¼ inch diameter (round) hole punched in the upper lobe of the caudal (tail) fin.
- (2) Effective October 1 through December 6, 2016, anglers are required to release steelhead with a ¼ inch diameter (round) hole punched in the upper lobe of the caudal (tail) fin.

REPEALER

This section of the Washington Administrative Code is repealed effective December 7, 2016:

WAC 220-310-20000Z Freshwater exceptions to statewide rules—Columbia River. (16-229)

Reason for action: Fall Chinook salmon and steelhead are sedated in a chemical anesthetic, MS-222, during sampling at the Priest Rapids Dam. The U.S. Food and Drug Administration (FDA) requires a 21-day withdrawal period before human consumption of fish anesthetized in MS-222. WDFW staff are applying the ¼ inch diameter hole, punched in the upper lobe of the tail of sampled fish, so that fishermen can visually identify fish that should be released. Salmon and steelhead marked and released at Priest Rapids Dam may be caught in fisheries both upstream and downstream. There is insufficient time to adopt permanent rules.

(16-229, 8/31/2016)