



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 17-107

- Immediately upon filing.
- Later (specify) June 16, 2017

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 freshwater fishing rules

Citation of existing rules affected by this order:

Repealed: WAC 220-312-06000F
 Amended: WAC 220-312-030, WAC 220-312-050, WAC 220-312-060
 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: These emergency rules are needed to apply restrictions to protect wild steelhead listed under the Endangered Species Act and to ensure enough hatchery steelhead return to meet escapement goals. The preseason forecast indicates approximately 130,700 summer-run steelhead will return to the Columbia River this year, the lowest number since 1980. There is insufficient time to adopt permanent rules.

Date adopted: June 9, 2017

NAME (TYPE OR PRINT)

J W Unsworth

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 09, 2017

TIME: 2:45 PM

WSR 17-13-015

**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>3</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 220-312-03000D Freshwater exceptions to statewide rules—Southwest.

Notwithstanding the provisions of WAC 220-312-030, effective June 16, 2017, until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

- (1) **Cowlitz River from boundary markers at the mouth upstream to the Lexington Drive Bridge/Sparks Road Bridge (Lewis Co.):**
 - (a) Night closure in effect except for anglers enrolled in the Pikeminnow Sport-Reward Program and actively fishing for pikeminnow.
 - (b) Through July 31, only 1 hatchery steelhead may be retained.
 - (c) Effective August 1 until further notice, release all steelhead.

- (2) **Drano Lake in the waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of the Highway 14 Bridge:**
 - (a) Night closure in effect except for anglers enrolled in the Pikeminnow Sport-Reward Program and actively fishing for pikeminnow.
 - (b) Through July 31, only 1 hatchery steelhead may be retained.
 - (c) Effective August 1 until further notice, release all steelhead.

- (3) **Lewis River from the mouth upstream to the mouth of the East Fork Lewis River (Clark Co.):**
 - (a) Night closure in effect except for anglers enrolled in the Pikeminnow Sport-Reward Program and actively fishing for pikeminnow.
 - (b) Through July 31, only 1 hatchery steelhead may be retained.
 - (c) Effective August 1 until further notice, release all steelhead.

- (4) **Wind River (Skamania Co.) from the mouth upstream to 400 feet below Shipherd Falls**
 - (a) Night closure in effect except for anglers enrolled in the Pikeminnow Sport-Reward Program and actively fishing for pikeminnow.
 - (b) Through July 31, only 1 hatchery steelhead may be retained.
 - (c) Effective August 1 until further notice, release all steelhead.

NEW SECTION

WAC 220-312-05000K Freshwater exceptions to statewide rules—Eastside.

Notwithstanding the provisions of WAC 220-312-050, effective June 16, 2017, until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

White Salmon River from the mouth upstream to the county road bridge below the former location of the powerhouse (Klickitat/Skamania Counties):

- (a) Night closure in effect except for anglers enrolled in the Pikeminnow Sport-Reward Program and actively fishing for pikeminnow.
- (b) Through July 31, only 1 hatchery steelhead may be retained.
- (c) Effective August 1 until further notice, release all steelhead.

NEW SECTION

WAC 220-312-06000H Freshwater exceptions to statewide rules—Columbia.

Notwithstanding the provisions of WAC 220-312-060, it is unlawful to violate the following provisions provided that unless otherwise amended, all permanent rules remain in effect:

- (1) **Mainstem Columbia River from the Megler-Astoria Bridge upstream to The Dalles Dam**, effective June 16 until further notice:
 - (a) Night closure in effect except for anglers enrolled in the Pikeminnow Sport-Reward Program and actively fishing for pikeminnow.
 - (b) Through July 31, only 1 hatchery steelhead may be retained.
 - (c) Effective August 1 until further notice, release all steelhead.

- (2) **Mainstem Columbia River from a true north-south line through Buoy 10 upstream to a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank**, effective August 1 until further notice:
 - (a) Night closure in effect except for anglers enrolled in the Pikeminnow Sport-Reward Program and actively fishing for pikeminnow.
 - (b) Release all steelhead.

REPEALER

The following section of the Washington Administrative Code is repealed effective June 16, 2017:

WAC 220-312-06000F Freshwater exceptions to statewide rules—Columbia River (17-91)

