



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (August 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 25, 2017

TIME: 1:48 PM

WSR 17-18-019

Agency: Washington Department of Fish and Wildlife (17-202)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) September 1, 2017

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

- Yes No If Yes, explain:

Purpose: Amends recreational freshwater fishing rules for Eastside Rivers

Citation of rules affected by this order:

New:
Repealed:
Amended: WAC 220-312-050
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.

Reasons for this finding: The *U.S. v. Oregon* Technical Advisory Committee (TAC) met on August 7 and 14 to review upriver steelhead returns and downgraded the return of Group A steelhead return to 54,000. The 2017 preseason forecast was 112,100 Group A steelhead. With a significant reduction to the preseason forecast for Group A steelhead and ongoing concerns between co-managers for Group B steelhead Washington Department of Fish and Wildlife (WDFW) believes it is important to protect steelhead moving through the Snake River. WDFW will continue to monitor the steelhead run, if additional harvest opportunity can be offered without negatively impacting wild steelhead or hatchery broodstock abundance, seasons and harvest rules may be adjusted. There is insufficient time to adopt permanent rules.

**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Federal statute:	New	___	Amended	___	Repealed	___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 on the agency's own initiative:

New	<u>1</u>	Amended	___	Repealed	___
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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	___

Date adopted: August 25, 2017

Name: J W Unsworth

Title: Director

Signature:



NEW SECTION

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

Notwithstanding the provisions of WAC 220-312-050, effective September 1, 2017, until further notice, the following rules apply: Unless otherwise amended, all permanent rules remain in effect.

- (1) Grande Ronde River - from the County Road Bridge (about 2.5 miles upstream from the mouth) to the Oregon State line.
 - (a) Daily limit of one hatchery steelhead.
 - (b) Rescinds mandatory hatchery steelhead retention rule.
 - (c) It is unlawful to fish for or possess steelhead in those waters of all tributaries of the Grande Ronde River.
- (2) Snake River – from the mouth of the river (Burbank to Pasco railroad bridge at Snake River mile 1.25) to the Idaho/Oregon State line (seven miles upstream of the mouth of the Grande Ronde River).
 - (a) Catch and release only for steelhead.
- (3) Touchet River – from the mouth to the confluence of the North and South Fork Touchet Rivers.
 - (a) Daily limit of one hatchery steelhead.
 - (b) Rescinds mandatory hatchery steelhead retention rule.
 - (c) It is unlawful to fish for or possess steelhead in those waters of all tributaries of the Touchet River.
- (4) Tucannon River – from the mouth to the Tucannon Hatchery Road Bridge.
 - (a) Daily limit of one hatchery steelhead.
 - (b) Rescinds mandatory hatchery steelhead retention rule.
- (5) Walla Walla River – from the mouth to the Oregon State line.
 - (a) Daily limit of one hatchery steelhead.
 - (b) Rescinds mandatory hatchery steelhead retention rule.