



# 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 28, 2017

TIME: 10:24 AM

WSR 17-18-022

**Agency:** Washington Department of Fish and Wildlife (17-216)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.  
 Later (specify) August 30, 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 the Columbia River

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

New:  
Repealed: WAC 220-312-06000R  
Amended: 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.

**Reasons for this finding:** Fall chinook salmon 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. Washington Department of Fish and Wildlife staff are applying the ¼-inch diameter hole, which is punched in the upper lobe of the tail of sampled fish, so that anglers can visually identify fish that must be released. 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| Federal statute:                 | New | ___ | Amended | ___ | Repealed | ___ |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 | ___ |
|-----|-----|---------|-----|----------|-----|

**The number of sections adopted on the agency's own initiative:**

|     |          |         |     |          |          |
|-----|----------|---------|-----|----------|----------|
| New | <u>1</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 | ___ |

**Date adopted:** August 28, 2017

**Name:** J W Unsworth

**Title:** Director

**Signature:**



## NEW SECTION

### **WAC 220-312-06000R Exceptions to statewide rules—Columbia River.**

Notwithstanding the provisions of WAC 220-312-060, effective August 30 through October 31, 2017, anglers are required to release chinook salmon with a ¼ inch diameter (round) hole punched in the upper lobe of the caudal (tail) fin from the Highway 395 Bridge in Pasco to Chief Joseph Dam.

## REPEALER

This following section of the Washington Administrative Code is repealed effective November 1, 2017:

WAC 220-312-06000R Exceptions to statewide rules—Columbia River.