



# RULE-MAKING ORDER EMERGENCY RULE ONLY

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

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: October 27, 2017

TIME: 1:40 PM

WSR 17-22-076

**Agency:** Washington Department of Fish and Wildlife (17-296)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.  
 Later (specify) October 28, 2017 \_\_\_\_\_

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

- Yes  No If Yes, explain:

**Purpose:** The purpose of this rule-making is to allow non-treaty recreational fishing opportunity in the Columbia River while protecting fish listed as threatened or endangered under the Endangered Species Act. This rule-making implements federal court orders governing Washington's relationship with Treaty Indian Tribes, federal law governing Washington's relationship with Oregon, and Washington Fish and Wildlife Commission policy guidance for Columbia River fisheries.

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

New:  
Repealed: WAC 220-312-06000V  
Amended: WAC 220-312-060  
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.

**Reasons for this finding:** The proposed modification will allow night angling opportunity for warmwater species, with no expected increase in steelhead handle or mortalities, while retaining the closure for other species for the remainder of the year. 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	<u>1</u>	Amended	___	Repealed	<u>1</u>
Federal rules or standards:	New	<u>1</u>	Amended	___	Repealed	<u>1</u>
Recently enacted state statutes:	New	<u>1</u>	Amended	___	Repealed	<u>1</u>

**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 1 Amended \_\_\_ Repealed 1

**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:** October 27, 2017

**Name:** J W Unsworth

**Title:** Director

**Signature:**



## NEW SECTION

### **WAC 220-312-06000V 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 a true north-south line through Buoy 10 upstream to the old Hanford townsite wooden powerline towers,**

- (a) Effective October 28, 2017 through December 31, 2017, it is unlawful to angle for or retain salmon, steelhead, shad, sturgeon, trout or whitefish expect during daylight hours.

## REPEALER

The following section of the Washington Administrative Code is repealed effective January 1, 2018:

WAC 220-312-06000V Freshwater exceptions to statewide rules—Columbia River (17-155)