



RULE-MAKING ORDER EMERGENCY RULE ONLY

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

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 06, 2018

TIME: 4:35 PM

WSR 18-09-010

Agency: Washington Department of Fish and Wildlife (18-56)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify)

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- Repealed: WAC 220-312-06000Z
- 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: Sets the 2018 spring recreational salmon season in the Columbia River in the area from Buoy 10 upstream to the Oregon/Washington border, and hatchery raised steelhead from Buoy 10 to the 395 bridge. The Regulation allows for the retention of shad and hatchery steelhead during days and in areas that are open for hatchery Chinook. ESA impacts for wild fish are available to recreational fisheries in order to access hatchery fish. The fishery is consistent with the *U.S. v Oregon* Management Agreement and the associated Biological Opinion. Conforms Washington state rules with Oregon state rules. Regulation is consistent with Compact Action of February 21, 2018.

**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	___
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The number of sections adopted on 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	___

Date Adopted: April 6, 2018

Name: James B Scott for Joe Stohr

Title: Director

Signature:



NEW SECTION

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

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) Salmon and Steelhead:

(a) Effective immediately through May 7, 2018:

- (i) Open to fishing for Chinook, coho, or steelhead from the Tower Island power lines in Bonneville Pool (located approximately 6 miles below The Dalles Dam) upstream to the Oregon and Washington border, plus the Washington bank between Bonneville Dam and the Tower Island power lines (except for those waters closed under permanent regulations).
- (ii) Daily limit is 6, no more than 2 may be adults of which no more than 1 may be an adult Chinook.
- (iii) Release all salmon and steelhead other than adipose clipped fish.
- (iv) Salmon minimum size is 12 inches.

(b) Effective immediately through May 15, 2018:

- (i) On days and in areas open to fishing for adipose clipped spring Chinook, fishing for adipose fin clipped steelhead from Buoy 10 upstream to the Highway 395 bridge and shad from Buoy 10 to Bonneville Dam (except for those waters closed under permanent regulations) is allowed.

REPEALER

The following section of the Washington Administrative code is repealed effective April 8, 2018:

WAC 220-312-06000Z Exceptions to statewide rules—Columbia River. (17-27)