



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: June 29, 2018

TIME: 9:51 AM

WSR 18-14-066

Agency: Washington Department of Fish and Wildlife (18-141)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) June 30, 2018

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Repealed: WAC 220-312-06000F, WAC 220-312-06000H, WAC 220-312-06000I
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: This action provides recreational angling opportunity based a runsize upgrade of sockeye passage at Bonneville Dam. Summer Chinook is tracking below the pre-season forecast, and as a result much of the allocation sharing will likely shift upstream to above Priest Rapids Dam, thus retention below Bonneville Dam is closed. The fishery is consistent with the *U.S. v Oregon* Management Agreement and the associated Biological Opinion. This action conforms Washington state rules with Oregon state rules and is consistent with the Compact Action of June 28, 2018. There is insufficient time to promulgate 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	3
Federal rules or standards:	New	<u>1</u>	Amended	___	Repealed	3
Recently enacted state statutes:	New	<u>1</u>	Amended	___	Repealed	3

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 3

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: June 29, 2018	Signature: 
Name: Joe Stohr	
Title: Director	

NEW SECTION

WAC 220-312-06000L 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) From the Megler-Astoria Bridge upstream to Bonneville Dam
 - (i) Effective July 1 through July 31, 2018
 - (ii) Daily limit 6, no more than 2 adults.
 - (iii) Release all salmon other than hatchery jack Chinook and sockeye.
 - (iv) Salmon minimum length is 12 inches.
 - (b) From Bonneville Dam to the HWY 395 Bridge at Pasco
 - (i) Effective July 1 through July 31, 2018
 - (ii) Daily limit 6, no more than 2 adults.
 - (iii) Release all salmon other than hatchery Chinook and sockeye.
 - (iv) Salmon minimum length is 12 inches.
 - (c) From HWY 395 Bridge at Pasco to Priest Rapids Dam
 - (i) Effective July 1 until further notice
 - (ii) Daily limit 6, no more than 2 adults, no more than 1 adult hatchery Chinook.
 - (iii) Release all salmon other than hatchery Chinook and sockeye.
 - (iv) Salmon minimum length is 12 inches.
 - (d) Priest Rapids Dam to Wells Dam
 - (i) Effective July 1 until further notice
 - (ii) Daily limit 6, no more than 4 adults, no more than 2 adult hatchery Chinook and 2 sockeye.
 - (iii) Release all salmon other than hatchery Chinook and sockeye.
 - (iv) Salmon minimum length is 12 inches.
 - (e) Wells Dam to HWY 173 at Brewster.
 - (i) Effective July 16 until further notice
 - (ii) Daily limit 6, no more than 4 adults, no more than 2 adult hatchery Chinook and 2 sockeye.
 - (iii) Release all salmon other than hatchery Chinook and sockeye.
 - (iv) Salmon minimum length is 12 inches.

(f) HWY 173 Bridge at Brewster to Chief Joseph Dam

- (i) Effective July 1 until further notice
- (ii) Daily limit 6, no more than 4 adults, no more than 2 adult hatchery Chinook and 2 sockeye.
- (iii) Release all salmon other than hatchery Chinook and sockeye.
- (iv) Salmon minimum length is 12 inches.

R E P E A L E R S

The following sections of the Washington Administrative Code are repealed effective July 1, 2018:

WAC 220-312-06000F Freshwater exceptions to statewide rules—Columbia River. (18-66)

WAC 220-312-06000H Freshwater exceptions to statewide rules—Columbia River. (18-106)

WAC 220-312-06000I Freshwater exceptions to statewide rules—Columbia River. (18-110)