



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: August 24, 2018

TIME: 2:44 PM

WSR 18-18-019

Agency: Washington Department of Fish and Wildlife (18-215)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) August 27, 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- Repealed: WAC 220-312-06000U
- 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 emergency rule is needed for additional steelhead restrictions in the Columbia River. This Action is being taken to reduce steelhead impacts due to the run-size downgrade to 110,300 A and B index fish from the pre-season forecast of 182,400. 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	Amended	___	Repealed	1
Federal rules or standards:	New	<u>1</u>	Amended	___	Repealed	1
Recently enacted state statutes:	New	<u>1</u>	Amended	___	Repealed	1

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	1
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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 24, 2018

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

WAC 220-312-06000V Freshwater 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:

- (a) Mouth of the Columbia River from Buoy 10 to the HWY 395 Bridge at Pasco.
 - (i) Release all steelhead from August 27, 2018 until further notice.
 - (ii) Closed to fishing at night for salmon and steelhead immediately until further notice.
- (b) Priest Rapids Dam to Rock Island Dam:
 - (i) Salmon, immediately through August 31, 2018:
 - (A) Daily limit 6, no more than 3 sockeye may be retained.
 - (B) Release adult Chinook and coho.
 - (C) Salmon minimum length is 12 inches.
- (c) Rock Island Dam to Rocky Reach Dam:
 - (i) Salmon, immediately through October 15, 2018:
 - (A) Daily limit 6, no more than 3 sockeye may be retained.
 - (B) Release adult Chinook and coho.
 - (C) Salmon minimum length is 12 inches.
- (d) Rocky Reach Dam to Wells Dam:
 - (i) Salmon, immediately through October 15, 2018:
 - (A) Daily limit 6, no more than 2 adult Chinook and 3 sockeye may be retained.
 - (B) Release wild adult Chinook and coho.
 - (C) Salmon minimum length is 12 inches.
- (e) Wells Dam to Hwy. 173 Bridge at Brewster:
 - (i) Salmon, immediately through August 31, 2018:
 - (A) Daily limit 6, no more than 2 adult Chinook and 3 Sockeye may be retained.
 - (B) Release wild adult Chinook and coho.
 - (C) Salmon minimum length is 12 inches.
- (f) Hwy. 173 Bridge at Brewster to Chief Joseph Dam:
 - (i) Salmon, immediately through October 15, 2018:
 - (A) Daily limit 6, no more than 2 adult Chinook and 3 Sockeye may be retained.
 - (B) Release wild adult Chinook and coho.
 - (C) Salmon minimum length is 12 inches.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 27, 2018:

WAC 220-312-06000U Freshwater exceptions to statewide rules—Columbia River. (18-204)