



**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: September 17, 2018

TIME: 10:05 AM

WSR 18-19-061

Agency: Department of Fish and Wildlife (Order 18-245)

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: Amend recreational fishing rules for the Columbia River.

Citation of rules affected by this order:

New:
Repealed: WAC 220-312-06000Y
Amended: WAC 220-312-06000Z
Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 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 Department is in the process of adopting permanent rules that are necessary to implement personal use fishing plans compliant with fisheries authorized by NOAA Fisheries under the Endangered Species Act (ESA). Permit 1395, is issued under section 10(a)(1)(A) of the ESA and authorizes direct take of ESA listed Upper Columbia River steelhead associated with steelhead hatchery program for the Wenatchee, Methow, and Okanogan basins. Authorization related to this permit is currently being consulted on with NOAA Fisheries for incorporation into a related Hatchery and Genetic Management Plan. These emergency rules are necessary to comply with federal requirements as stipulated in Permit 1395 until permanent rules take effect.

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___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 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: September 14, 2018
Name: Kelly Susewind
Title: Director

Signature:



NEW SECTION

WAC 220-312-06000Z 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: Salmon and steelhead, immediately until further notice: Closed.

(b) HWY 395 Bridge at Pasco to the Old Hanford townsite powerline towers:

(i) Salmon, September 15 through October 31, 2018:

(A) Daily limit 6, up to 1 may be an adult.

(B) Release coho.

(c) The Old Hanford townsite powerline towers to Priest Rapids Dam:

(i) Salmon, September 15 through October 15, 2018:

(A) Daily limit 6, up to 1 may be an adult.

(B) Release coho.

(ii) Steelhead, immediately until further notice: Release all steelhead.

(d) 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.

(e) 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.

(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.

REPEALER

The following section of the Washington Administrative Code is repealed immediately:

WAC 220-312-06000Y Freshwater exceptions to statewide rules—Columbia River. (18-241)

