



# 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: May 04, 2020

TIME: 12:38 PM

WSR 20-10-081

**Agency:** Department of Fish and Wildlife (Order 20-71)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.  
 Later (specify) May 5, 2020

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

- Yes  No If Yes, explain:

**Purpose:** This emergency rule is needed to open spring Chinook seasons in areas of the Snake River, effective May 5, 2020.

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

New:  
Repealed:  
Amended: WAC 220-312-050  
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 2020 Columbia River forecasted return of upriver spring Chinook salmon is sufficiently abundant to allow for harvest opportunity on the Snake River based on WDFW Commission Policy C-3620. The U.S. v. Oregon (2018-2027) Management Agreement provides Endangered Species Act coverage for this fishery.

This fishery is being opened pursuant to the Governor's Proclamation amendment 20-25.2, issued April 27, 2020, indicating that recreational activities including fishing may resume, when and where permitted beginning May 5, 2020.

The Governor's proclamation amendment also includes requirements to exclude gatherings with people who are not members of the same household and maintain social distancing for the continued protection of public health and safety. These fishery openings considered that requirement as a basis for the decision to re-open fisheries, but do not incorporate those social distance elements within the regulations themselves. While not imposed in WDFW's fishery rules, they are and remain, a requirement of the Governor's Proclamation. Failure to abide by those social distance requirements could result in increased health risks requiring future fishery closures.

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	___	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	___
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**The number of sections adopted on the agency's own initiative:**


New	1	Amended	___	Repealed	___
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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	___

<b>Date Adopted:</b> May 4, 2020	<b>Signature:</b> 
<b>Name:</b> Kelly Susewind	
<b>Title:</b> Director	

NEW SECTION

**WAC 220-312-05000Y Freshwater exceptions to statewide rules—Eastside.**

Notwithstanding the provisions of WAC 220-312-050, effective May 5, 2020 until further notice, or until they expire pursuant to RCW 34.05.350:

**Snake River (Franklin/Walla Wall Counties):**

- (a) **From Texas Rapids boat launch (south side of the river upstream of the mouth of Tucannon River) to the fishing restriction boundary below Little Goose Dam:**

Salmon:

- (i) Open: Tuesdays and Fridays beginning May 5, 2020 until further notice:
- (ii) Daily limit 4, up to 1 adult may be retained. Release all salmon other than hatchery Chinook.
- (iii) Night Closure.
- (iv) Barbless hooks required.

- (b) **From the downstream edge of the large power lines crossing the Snake River (just upstream from West Evans Road on the south shore) upstream to the Washington state line (from the east levee of the Greenbelt boat launch in Clarkston northwest across the Snake River to the WA/ID boundary waters marker on the Whitman County shore):**

Salmon:

- (i) Open: Wednesdays and Saturdays beginning May 6, 2020 until further notice:
- (ii) Daily limit 4, up to 1 adult may be retained. Release all salmon other than hatchery Chinook.
- (iii) Night Closure.
- (iv) Barbless hooks required.

