



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 14, 2020

TIME: 10:49 AM

WSR 20-11-030

Agency: Department of Fish and Wildlife (Order 20-79)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) May 15, 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 rule is needed to open additional salmon and steelhead seasons in the Columbia River consistent with the Compact Action on May 1 and May 13, 2020. Washington closed fisheries statewide beginning March 25 to help combat the spread of COVID-19 in the state. Governor Jay Inslee relaxed restrictions on fishing beginning May 5.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-312-06000J
- Amended: WAC 220-312-060
- 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: This rule is needed to open additional recreational salmon fishing opportunities in the Columbia River.

Washington closed fisheries statewide beginning March 25 to help combat the spread of COVID-19 in the state. This rule is 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.

These Columbia River fisheries were set within allowable catch levels for upriver spring chinook and to maximize returns to hatcheries on the Cowlitz and Lewis Rivers. Managers will monitor the fisheries and dam counts and adjust as necessary. This rule also allows for a sockeye retention season in conjunction with the steelhead fishery in the lower river opening under permanent rules. This action is consistent with agreements reached in April during the North of Falcon season-setting process.

This rule is consistent with the Compact actions taken on May 1 and May 13, 2020. 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	<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: May 14, 2020
Name: Kelly Susewind
Title: Director

Signature:



NEW SECTION

WAC 220-312-06000K Freshwater exceptions to statewide rules—Columbia

Effective May 15 and until further notice provisions of WAC 220-312-060 regarding Columbia River salmon, steelhead and shad seasons are modified as described below. All other provisions of WAC 220-312-060 not addressed herein remain in effect.

(1) From a line projected from Rocky Point on the Washington bank through Red Buoy 44 to red navigation marker 2 at Tongue Point on the Oregon Bank to the I-5 Bridge:

Salmon and steelhead: Effective May 16 through June 15, 2020: Daily limit is 6, up to 2 adult salmon, 2 steelhead, or 1 adult salmon and 1 steelhead may be retained. Release all salmon other than sockeye and hatchery jack Chinook.

(2) From a line from the Warrior Rock lighthouse on the Oregon shore to red USCG buoy #4, then to the piling dolphin on the lower end of Bachelor Island (Warrior Rock line) to A deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse One) in a straight line through the western tip of Pierce Island to a deadline marker on the Washington bank at Beacon Rock:

a. Salmon and steelhead: Effective May 15, 16, 17, and 20, 2020: Daily limit is 6, no more than 2 adults may be retained of which no more than 1 may be an adult Chinook. Release salmon other than hatchery Chinook and sockeye.

b. Shad: Effective for the day of May 15, 2020: No minimum size. No daily limit.

(3) From a deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse One) in a straight line through the western tip of Pierce Island to a deadline marker on the Washington bank at Beacon Rock to Bonneville Dam:

a. Effective immediately until further notice, or until this expires on August 29, 2020: Closed to angling from a floating device or by any method except hand-cast lines from shore.

b. Salmon and steelhead: Effective May 15, 16, 17, and 20, 2020: Daily limit is 6, no more than 2 adults may be retained of which no more than 1 may be an adult Chinook. Release all salmon other than hatchery Chinook and sockeye.

c. Shad: Effective for the day of May 15, 2020: No minimum size. No daily limit.

(4) From Bonneville Dam to John Day Dam:

Salmon and steelhead: Effective May 15, 16, 17, and 20, 2020: Daily limit is 6, no more than 2 adults may be retained of which no more than 1 may be an adult Chinook. Release all salmon other than hatchery Chinook .

(5) From John Day Dam to McNary Dam:

Salmon and steelhead: Effective May 15, 16, 17, and 20, 2020: Daily limit is 6, no more than 2 adults may be retained of which no more than 1 may be an adult Chinook. Release all salmon other than hatchery Chinook.

(6) From McNary Dam upstream to Hwy. 730 at the Washington/Oregon border:

Salmon and steelhead: Effective May 15, 16, 17, and 20, 2020: Daily limit is 6, no more than 2 adults may be retained of which no more than 1 may be an adult Chinook. Release all salmon other than hatchery Chinook.

REPEALER

The following section of the Washington Administrative Code is repealed effective May 15, 2020:

WAC 220-312-06000J Freshwater exceptions to statewide rules—Columbia (20-69)