



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: 3:29 PM

WSR 20-11-037

Agency: Department of Fish and Wildlife (Order 20-80)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) May 16, 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 close spring Chinook seasons in the Clarkston area of the Snake River, effective May 16, 2020.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-312-05000Y
 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: This emergency rule is needed to close spring Chinook seasons in the Clarkston area of the Snake River, effective May 16, 2020. Spring Chinook seasons will remain open 2 days per week in the Little Goose area of the Snake River. The Snake River spring Chinook fisheries were opened May 5, 2020, 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.

The 2020 Columbia River forecasted return of upriver spring Chinook salmon is sufficiently abundant to allow for harvest opportunity in the Little Goose area of 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. Spring Chinook salmon returns to the Clearwater River are lower than predicted in preseason estimates. In order to protect hatchery brood stock needs within the Clearwater we are closing this section of the Snake River (Clarkston area), as it is adjacent to the mouth of the Clearwater.

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	<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	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

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

Effective May 16, 2020 and until further notice the following provisions of WAC 220-312-050 regarding salmon seasons for the Snake River shall be as described below. All other provisions of WAC 220-312-050 not addressed herein, or unless otherwise amended, remain in effect:

Snake River (Franklin/Walla Walla Counties):

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: Open Tuesdays and Fridays, effective May 16, 2020 until further notice, or until this expires on September 1, 2020.

- (i) Daily limit 4, up to 1 adult may be retained. Release all salmon other than hatchery Chinook.
- (ii) Night Closure.
- (iii) Barbless hooks required.
- (iv) When steelhead seasons are open, anglers may not continue fishing for salmon or steelhead once the daily salmon limit has been retained.

REPEALER

The following section of Washington Administrative Code is repealed effective May 16, 2020:
WAC 220-312-05000Y Freshwater exceptions to statewide rules—Eastside. (20-71)