



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 28, 2020

TIME: 2:04 PM

WSR 20-12-048

Agency: Department of Fish and Wildlife (Order 20-90)

Effective date of rule:

Emergency Rules

- ☐ Immediately upon filing.
☒ Later (specify) June 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 rule is needed open sockeye salmon and steelhead seasons in the Columbia River from Megler Astoria Bridge to the Highway 395 Bridge at Pasco, and from the Interstate 182 Bridge to Priest Rapids Dam. This rule will also allow fishing from a vessel from Beacon Rock to the Hamilton Island boat ramp, a section that was previously restricted to bank fishing via emergency rule to protect spring Chinook.

Citation of rules affected by this order:

New:
Repealed: WAC 220-312-06000K
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 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.

Sockeye retention will be allowed, while Chinook seasons that are typically open will be closed and steelhead limits are reduced. Sockeye runs are projected to be higher than in recent years, while steelhead and summer Chinook runs are projected to be lower than in recent years.

These rules are consistent with agreements made during the 2020 North of Falcon season setting process. 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 28, 2020

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Effective June 16 through July 31, 2020, provisions of WAC 220-312-060 regarding Columbia River salmon and steelhead seasons are modified as described below. All other provisions of WAC 220-312-060 not addressed herein remain in effect unless otherwise amended.

(1) From Megler Astoria Bridge to Hwy. 395 Bridge at Pasco:

Salmon and steelhead: Effective June 16 through July 31, 2020: Daily limit is 2, up to 2 salmon or 1 salmon and 1 steelhead may be retained. Release all salmon other than sockeye.

(2) From the Interstate 182 Bridge to Priest Rapids Dam:

Salmon and steelhead: Effective June 16 through July 31, 2020: Daily limit is 2 salmon. Release all salmon and steelhead other than sockeye.

REPEALER

The following section of the Washington Administrative Code is repealed effective June 16, 2020:

WAC 220-312-06000K Freshwater exceptions to statewide rules—Columbia (20-79)