



**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: July 08, 2020

TIME: 4:39 PM

WSR 20-15-047

Agency: Department of Fish and Wildlife (Order 20-133)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) July 9, 2020

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

- Yes No If Yes, explain:

Purpose: The purpose of this rule to open additional recreational summer Chinook seasons in the lower Columbia River from the Rocky Point/Tongue Point line to the Highway 395 Bridge at Pasco. This rule also closes the recreational shad fishery from Bonneville Dam to The Dalles Dam in order to prevent additional impacts to ESA listed Snake River sockeye.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-312-06000P; WAC 220-312-06000R
 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 summer Chinook seasons in the Columbia River. The U.S. v Oregon Technical Advisory Committee (TAC) updated the summer Chinook run from a pre-season value of 38,000 to 65,000 on June 29. By closing the shad fishery from Bonneville Dam to The Dalles Dam, this rule also minimizes potential impacts on Snake River ESA-listed sockeye. The TAC is comprised of representatives from Washington, Oregon, Idaho, NOAA, and the Treaty Tribes and are responsible for developing pre-season and in-season run forecasts that salmon seasons are based on. This fishery is consistent with the 2018-2027 U.S. v Oregon Management Agreement and the associated Biological Opinion. This action conforms Washington state rules with Oregon state rules and is consistent with the Compact Action of July 8, 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 ____

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


New 1 Amended ____ Repealed 2

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: July 8, 2020	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

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

Effective July 9 through July 31, 2020, provisions of WAC 220-312-060 regarding Columbia River salmon and steelhead seasons from the Megler Astoria Bridge to the Hwy. 395 Bridge at Pasco and shad seasons from Bonneville Dam to The Dalles Dam are modified as described below. All other provisions of WAC 220-312-060 not addressed herein or otherwise amended by emergency rule remain in effect.

(1) From Megler Astoria Bridge to 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:

Salmon and steelhead: Effective immediately through July 31, 2020: Closed to fishing for or retaining.

(2) 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 upstream to Bonneville Dam:

- (a) Salmon and steelhead: Effective July 9 through July 15, 2020: Daily limit 6; up to 2 adults may be retained. Release all salmon and steelhead other than hatchery Chinook.
- (b) Salmon and steelhead: Effective July 16 through July 31, 2020: Closed to fishing for or retaining.

(3) From Bonneville Dam upstream to The Dalles Dam:

- (a) Salmon and steelhead: Effective July 9 through July 15, 2020: Daily limit 6; up to 2 adults may be retained. Release all salmon and steelhead other than hatchery Chinook.
- (b) Shad: Effective July 9 through July 15, 2020: Closed to fishing for or retaining.
- (c) Salmon and steelhead: Effective July 16 through July 31, 2020: Closed to fishing for or retaining.

(4) From The Dalles Dam upstream to Hwy. 395 Bridge at Pasco:

- (a) Salmon and steelhead: Effective July 9 through July 15, 2020: Daily limit 6; up to 2 adults may be retained. Release all salmon and steelhead other than hatchery Chinook.
- (b) Salmon and steelhead: Effective July 16 through July 31, 2020: Closed to fishing for or retaining.

REPEALERS

The following section of the Washington Administrative Code is repealed effective July 9, 2020:

WAC 220-312-06000P Freshwater exceptions to statewide rules—Columbia (20-123)

The following section of the Washington Administrative Code is repealed effective August 1, 2020:

WAC 220-312-06000R Freshwater exceptions to statewide rules—Columbia (20-133)