



**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: August 31, 2020

TIME: 2:31 PM

WSR 20-18-064

Agency: Washington Department of Fish and Wildlife (20-171)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) September 1, 2020

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

- Yes No If Yes, explain:

Purpose: Amends freshwater fishing rules for the Snake River.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-312-05000F, WAC 220-312-05000H
- 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 open salmon seasons in the Snake River, effective September 1, 2020. The 2020 Columbia River forecasted return for Upriver Bright adult Chinook is 233,400 fish, with 18,150 of these fish expected to return to the Snake River. This forecast is large enough to allow for Chinook harvest in the Snake River. The Upriver Bright stock primarily returns to the Hanford Reach and Snake River sections of the Columbia River and the US v. OR Management Agreement reaches only to the confluence of the Snake River. There is no ESA component in this section of the Columbia River, and Washington has its own FMPEP with Idaho for the Snake River itself. Because of these factors, management and the opening of this fishery by emergency rule is needed to maintain concurrency with Idaho's salmon rules and season openings for the Snake River. 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: August 31, 2020

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Effective September 1 through October 31, 2020 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 by emergency rule, remain in effect:

Snake River (Franklin/Walla Walla Counties):

- (1) from the mouth of the Snake River (Burbank to Pasco railroad bridge at Snake River mile 1.25) to Lower Granite Dam: Salmon:**
 - (a) Adult daily limit is 3 hatchery Chinook.
 - (b) No daily limit for jack Chinook. Jack Chinook may be wild or hatchery.
 - (c) Release all salmon other than jack Chinook and hatchery adult Chinook.
 - (d) Salmon that are not to be kept as part of the daily limit may not be removed from the water and must be released immediately and unharmed.

- (2) from the downstream edge of the large power lines crossing the Snake River (just upstream from West Evans Road on the south shore, approximately 3 miles below Clarkston) upstream to the Oregon state line: Salmon:**
 - (e) Adult daily limit is 3 Chinook of which no more than 1 may be wild.
 - (f) No daily limit for jack Chinook. Jack Chinook may be wild or hatchery.
 - (g) Release all salmon other than Chinook.
 - (h) Salmon that are not to be kept as part of the daily limit may not be removed from the water and must be released immediately and unharmed.

REPEALERS

The following section of the Washington Administrative code is repealed effective September 1, 2020:

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

The following section of the Washington Administrative code is repealed effective November 1, 2020:

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

