



# 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: October 29, 2020

TIME: 11:00 AM

WSR 20-22-050

**Agency:** Department of Fish and Wildlife (Order 20-238)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) November 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:** The purpose of this rule is to open hatchery steelhead retention from the Dalles Dam to the Highway 395 Bridge at Pasco.

**Citation of rules affected by this order:**

New:  
 Repealed: WAC 220-312-06000B; WAC 220-312-06000C  
 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 allow retention of hatchery steelhead upstream of the Dalles Dam. ESA impacts to A and B index steelhead are projected to be less than 0.1%, which is below the remaining available balance. This action is needed to make rules concurrent with those of Oregon and as agreed to preseason during the North of Falcon process. There is insufficient time to adopt permanent regulations.

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_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	____

<b>Date Adopted:</b> October 29, 2020
<b>Name:</b> Kelly Susewind
<b>Title:</b> Director

**Signature:**



## NEW SECTION

### **WAC 220-312-06000C Freshwater exceptions to statewide rules—Columbia River.**

Effective November 1 through December 31, 2020, the provisions of WAC 220-312-060 regarding recreational sturgeon seasons in the Columbia River downstream of Bonneville Dam and the Cowlitz River and Columbia River salmon and steelhead seasons from the mouth (Buoy 10) to the Hwy. 395 Bridge at Pasco, shall be as described below. All other provisions of WAC 220-312-060 not addressed herein remain in effect unless otherwise amended by emergency rule:

- (1) From a true North and South line through Buoy 10 to a projected line from Rocky Point on the Washington bank through Red Buoy 44 to the red navigation marker 2 at Tongue Point on the Oregon Bank (the Rocky Point/Tongue Point line), and including Youngs Bay:  
Salmon and steelhead:

Effective November 1 through December 31, 2020: Daily limit 6. Up to 2 adults may be retained, of which no more than 1 may be a hatchery steelhead. Release all salmon other than Chinook and hatchery coho. Release wild steelhead.

- (2) From the Rocky Point/Tongue Point line to Bonneville Dam: Salmon and steelhead:

Effective November 1 through December 31, 2020: Daily limit 6. Up to 2 adults may be retained, of which no more than 1 may be a hatchery steelhead. Release all salmon other than Chinook and hatchery coho. Release wild steelhead.

- (3) From Bonneville Dam to Hood River Bridge: Salmon and steelhead:

Effective November 1 through December 31, 2020: Daily limit 6. Up to 2 adults may be retained, of which no more than 1 may be a hatchery steelhead. Release all salmon other than Chinook and hatchery coho. Release wild steelhead.

- (4) From the Hood River Bridge to the Dalles Dam: Salmon and steelhead:

Effective November 1 through December 31, 2020: Daily limit 6. Up to 2 adults may be retained, of which no more than 1 may be a hatchery steelhead. Release all salmon other than Chinook and coho. Release wild steelhead.

- (5) From the Dalles Dam to Hwy. 395 Bridge at Pasco: Salmon and steelhead:

Effective November 1 through December 31, 2020. Daily limit 6. Up to 2 adults may be retained, of which no more than 1 may be a hatchery steelhead. Release all salmon other than Chinook and coho. Release wild steelhead.

## REPEALERS

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

WAC 220-312-06000B Freshwater exceptions to statewide rules—Columbia River. (20-218)

The following section of Washington Administrative Code is repealed, effective January 1, 2021:

WAC 220-312-06000C Freshwater exceptions to statewide rules—Columbia River.