



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: December 22, 2020

TIME: 5:21 PM

WSR 21-01-203

Agency: Department of Fish and Wildlife (Order 20-259)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) January 1, 2021

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 emergency rule is to increase the daily steelhead limit for the Columbia River from Buoy 10 upstream to The Dalles Dam and to continue to allow retention steelhead from The Dalles Dam to the Hwy. 395 Bridge at Pasco.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-312-06000D
 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 action achieves concurrency between OR and WA in jointly managed waters. Daily winter steelhead limit is corrected by increasing the daily limit from 1 to 2 for areas downstream of The Dalles Dam. Retention of hatchery upriver summer steelhead upstream of The Dalles Dam is expected to accrue less than 0.1% ESA impacts to A and B index steelhead, which is below the remaining balance available.

The low pre-season forecast prompted fishery managers to take a conservative approach when setting this years' summer steelhead fishery. Although the B-Index summer steelhead run is currently projected at 32,300 fish compared to the pre-season expectation of 9,600 fish, fishery managers want to maintain the conservative approach throughout the run-year. Under permanent regulations, the retention of Chinook and coho is prohibited beginning Jan. 1 upstream of the I-5 Bridge.

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 1

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: December 21, 2020

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Effective January 1 through March 31, 2021, the provisions of WAC 220-312-060 regarding 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 the I-5 Bridge: Salmon and steelhead:

Effective January 1 through March 31, 2021: Daily limit 6. Up to 2 adult salmon or 2 hatchery steelhead or 1 of each may be retained. Release all salmon other than hatchery Chinook. Release wild steelhead.

- (2) From the I-5 Bridge to The Dalles Dam: Salmon and steelhead:

Effective January 1 through March 31, 2021: Daily limit 2 hatchery steelhead. Release all salmon. Release wild steelhead.

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

Effective January 1 through March 31, 2021: Daily limit 1 hatchery steelhead. Release all salmon. Release wild steelhead.

REPEALER

The following section of Washington Administrative Code is repealed, effective April 1, 2021:
WAC 220-312-06000D Freshwater exceptions to statewide rules—Columbia River.