



# 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 12, 2021

TIME: 5:08 PM

WSR 21-17-082

**Agency:** Department of Fish and Wildlife (Order 21-147)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.  
 Later (specify) August 18, 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 open Chinook harvest seasons in the Snake River.

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

New:  
Repealed:  
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 August 18, 2021.

The 2021 Columbia River forecasted return of upriver bright adults is 361,500, with a significant portion 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 an ESA component to this fishery covered under a Washington/Idaho shared FMEP for the Snake River. Because of these factors, management, and the opening of this fishery by emergency rule is needed 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 | ___ |
|-----|---|---------|-----|----------|-----|

**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> August 12, 2021 | <b>Signature:</b><br> |
| <b>Name:</b> Kelly Susewind          |   |
| <b>Title:</b> Director               |   |

## NEW SECTION

### **WAC 220-312-05000Y Freshwater exceptions to statewide rules—Eastside.**

Effective August 18 through October 31, 2021 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 (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.
  - (e) Barbless hooks required.
  
- (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:**
  - (a) Adult daily limit is 3 Chinook.
  - (b) No daily limit for jack Chinook. Jack Chinook may be wild or hatchery.
  - (c) Release all salmon other than 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.
  - (e) Barbless hooks required.