



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: September 09, 2021

TIME: 5:51 PM

WSR 21-19-036

Agency: Washington Department of Fish and Wildlife (21-181)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) September 11, 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 rule-making is to allow non-treaty recreational fishing opportunity in the Columbia River while protecting fish listed as threatened or endangered under the Endangered Species Act. This rule-making implements federal court orders governing Washington’s relationship with Treaty Indian Tribes, federal law governing Washington’s relationship with Oregon, and Washington Fish and Wildlife Commission policy guidance for Columbia River fisheries.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-312-06000W
- Amended: WAC 220-312-060
- Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.04.130, 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: Analysis of in-season catch information indicated that few ESA-listed lower river Chinook tules are expected to be caught within in the portion of river set to reopen. The Camas Slough closure will help provide additional protection for returning Chinook. Joint state action was taken to provide additional fishing opportunity. 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 | <u>1</u> | Amended | ___ | Repealed | 1 |
| Federal rules or standards: | New | <u>1</u> | Amended | ___ | Repealed | 1 |
| Recently enacted state statutes: | New | <u>1</u> | Amended | ___ | Repealed | 1 |

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 | <u>1</u> | 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: September 9, 2021

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Effective September 11, 2021, until further notice, the provisions of WAC 220-312-060 regarding recreational salmon and steelhead seasons from 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), to Warrior Rock Line and Camas Slough, shall be as described below during the dates listed below. All other provisions of WAC 220-312-060 not addressed herein remain in effect unless otherwise amended by emergency rule:

- (1) **From 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) to a line projected from the Warrior Rock lighthouse through Red Buoy 4 to the marker atop the piling dolphin located at the downstream end of Bachelor Island on the Washington Shore (Warrior Rock Line):** Salmon and steelhead: Effective immediately, until further notice: Closed.

- (2) **Camas Slough** (waters of the Columbia River downstream from the mouth of the Washougal River, north of Lady Island, and downstream of the Highway 14 Bridge at the upstream end of Lady Island): Salmon and steelhead: Effective immediately through September 30, 2021: Closed.

REPEALER

The following section of Washington administrative code is repealed, effective September 11, 2021:

WAC 220-312-06000W Freshwater exceptions to statewide rules—Columbia River. (21-173)