



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 05, 2022

TIME: 5:22 PM

WSR 22-21-021

Agency: Department of Fish and Wildlife (Order 22-229)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) October 6, 2022

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 allow retention of hatchery steelhead in Drano Lake.

Citation of rules affected by this order:

New:
 Repealed:
 Amended: 220-312-030
 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 necessary to open hatchery steelhead retention in Drano Lake.

Summer steelhead fisheries for 2022 were closed in Drano Lake through the North of Falcon rule making process based on low preseason forecasts and the need to limit ESA-listed steelhead impacts in non-treaty fisheries. The estimated return of B-index summer steelhead, the primary stock currently passing Bonneville Dam, was recently increased from preseason forecasts. Mainstem Columbia River temperatures are also decreasing, likely reducing the number of ESA-listed summer steelhead occupying Drano Lake. Reopening hatchery steelhead retention at this time will provide added sport fishing opportunity for anglers, while also meeting conservation objectives for ESA-listed steelhead stocks.

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 ____

Date Adopted: October 5, 2022

Name: Amy Windrope for Kelly Susewind

Title: Director

Signature:



NEW SECTION

WAC 220-312-03000H Freshwater exceptions to statewide rules—Southwest.

Effective October 6 through October 31, 2022, the provisions of WAC 220-312-030 regarding Drano Lake steelhead retention shall be modified during times and as described below. All other provisions of WAC 220-312-030 not addressed herein remain in effect unless otherwise amended by emergency rule:

Drano Lake (Skamania Co.): Downstream of markers on a point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of the Highway 14 bridge:

Salmon and hatchery steelhead: Effective October 6 through October 31, 2022: Daily limit 6; of which up to 1 may be an adult salmon or hatchery steelhead.