



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: May 02, 2023

TIME: 4:02 PM

WSR 23-10-078

Agency: Department of Fish and Wildlife (Order 23-64)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) May 5, 2023

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 recreational salmon seasons in the Yakima 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 Repealed: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: A total of 5,550 adult spring Chinook are forecasted to return to the Yakima River, including 1,990 hatchery origin adults from the Cle Elum Hatchery. The return as forecasted is sufficient to allow a sport fishery in the Yakima River below the Roza Diversion.

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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New ____ Amended ____ Repealed ____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New 1 Amended ____ Repealed ____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New ____ Amended ____ Repealed ____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: May 2, 2023	Signature: 
Name: Amy Windrope for Kelly Susewind	
Title: Director	

NEW SECTION

WAC 220-312-05000A Freshwater exceptions to statewide rules—Eastside.

Effective May 5, through June 30, 2023, the following provisions of WAC 220-312-050 regarding salmon seasons in the Yakima River shall be as described below. All other provisions of WAC 220-312-050 not addressed herein, or otherwise amended by emergency rule, remain in effect:

Yakima River (Benton County):

- (1) From the Hwy. 240 bridge in Richland (river mile 2.1) upstream to the State Route 241 (Sunnyside - Mabton) Bridge (RM 59.8):** Salmon:
 - (a) Open May 5 through June 15, 2023:
 - (b) Daily limit 2 hatchery Chinook. Release all other salmon.
 - (c) Barbless hooks required. Hook gap from point to shank must measure 3/4 of an inch or less.
 - (d) Use of bait is allowed.
 - (e) Anglers may fish with two poles when fishing for salmon with the Two-Pole Endorsement.
 - (f) Night Closure in effect.

- (2) From the I-82 bridge at Union Gap (RM 107.1) to the eastbound (upstream) I-82 Bridge at Selah Gap:** Salmon:
 - (a) Open May 16 through June 30, 2023
 - (b) Daily limit 2 hatchery Chinook. Release all other salmon.
 - (c) Barbless hooks required. Hook gap from point to shank must measure 3/4 of an inch or less.
 - (d) Use of bait is allowed.
 - (e) Anglers may fish with two poles when fishing for salmon with the Two-Pole Endorsement.
 - (f) Night Closure in effect.

- (3) From the eastbound (upstream) I-82 Bridge at Selah Gap to the BNSF railroad bridge approximately 600 feet downstream of Roza Dam (RM 127.8):** Salmon:
 - (a) Open May 16 through June 30, 2023
 - (b) Daily limit 2 hatchery Chinook. Release all other salmon.
 - (c) Barbless hooks required. Hook gap from point to shank must measure 3/4 of an inch or less.
 - (d) Use of bait is allowed.
 - (e) Anglers may fish with two poles when fishing for salmon with the Two-Pole Endorsement.
 - (f) Night Closure in effect.
 - (g) Fishing from a vessel equipped with an internal combustion engine is prohibited.