



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 19, 2023

TIME: 8:36 AM

WSR 23-11-098

Agency: Department of Fish and Wildlife (Order No. 23-77)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) May 23, 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 hatchery spring Chinook 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- Repealed: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: Increased fish passage at Bonneville Dam has given certainty to managers that there are greater numbers of hatchery spring Chinook available to harvest and allow for four days of fishing on the Snake River. WDFW Commission Policy C-3630 provides structure for Snake River Spring Chinook Fishery and the U.S. v. Oregon (2018-2027) Management Agreement provides Endangered Species Act coverage for this fishery.

WDFW will monitor spring Chinook returns throughout the season and may close the fishery at any time due to harvest levels, ESA impacts, in-season run adjustments, or a combination of thereof.

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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____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 19, 2023

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Effective May 23, through May 26, 2023, the following provisions of WAC 220-312-050, regarding salmon seasons in the Snake River shall be open as follows. All other provisions of WAC 220-312-050 remain in effect unless modified by emergency rule:

- (1) **Snake River (Franklin/Walla Wall Counties): From Texas Rapids boat launch (south side of the river upstream of the mouth of Tucannon River) to the fishing restriction boundary below Little Goose Dam and including the rock and concrete area between the juvenile bypass return pipe and little Goose Dam along the shoreline of the facility:** Salmon:
 - (a) Open May 23 and May 26, 2023, only:
 - (b) Daily limit 4, of which up to 1 adult may be retained. Release all salmon other than hatchery Chinook.
 - (c) Night Closure.
 - (d) Barbless hooks required.
 - (e) Salmon may not be removed from the water unless retained as part of the daily limit.

- (2) **Snake River (Franklin/Walla Wall Counties): the South Bound Highway 12 Bridge near Pasco upstream about 7 miles to the fishing restriction boundary below Ice Harbor Dam:** Salmon:
 - (a) Open May 24 and May 25, 2023, only:
 - (b) Daily limit 4, of which up to 1 adult may be retained. Release all salmon other than hatchery Chinook.
 - (c) Night Closure.
 - (d) Barbless hooks required.
 - (e) Salmon may not be removed from the water unless retained as part of the daily limit.