



**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 10, 2023

TIME: 1:02 PM

WSR 23-17-052

Agency: Department of Fish and Wildlife (Order 23-158)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) August 18, 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 fall Chinook seasons in portions of 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- Repealed: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: The 2023 Columbia River forecasted return of upriver bright adults is 272,400, 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 no ESA component in this section of the Columbia River, and Washington has its own FMEP with Idaho for the Snake River itself. Because of these factors, the opening of this fishery by emergency rule is needed to maintain concurrency with Idaho's salmon rules and season openings for the Snake River.

**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Federal statute:	New	___	Amended	___	Repealed	___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: August 10, 2023	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

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

Effective August 18, 2023, until further notice, 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 Walla Counties): From the red river marker (Marker 28) on the south shore of the Snake River upstream to the Highway 261 bridge (approx. 1.4 mi.):**

Salmon: Effective September 7, 2023, until further notice:

- (a) Open Thursdays through Sundays each week. Closed Mondays through Wednesdays each week.
- (b) Daily limit 2 adult Chinook including no more than 1 wild adult Chinook. No daily limit for jack Chinook. Release all salmon other than Chinook.
- (c) Barbless hooks required.
- (d) Salmon may not be removed from the water unless to be retained as part of the daily limit.

- (2) **Snake River (Franklin/Walla Walla Counties): 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: Effective August 18 through October 31, 2023:

- (a) Daily limit 3 adult Chinook. No daily limit for jack Chinook. Release all salmon other than Chinook.
- (b) Barbless hooks required.
- (c) Salmon may not be removed from the water unless to be retained as part of the daily limit.