



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 10, 2023

TIME: 11:35 AM

WSR 23-21-047

Agency: Department of Fish and Wildlife (Order 23-228)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify)

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 require release of wild adult chinook in the Lyons Ferry Bubble Fishery area. This rule maintains other previously announced Snake River salmon fisheries. .

Citation of rules affected by this order:

New:
 Repealed: WAC 220-312-05000L
 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: Allowed impacts to wild adult Chinook in Lyons Ferry Bubble Fishery area are nearing the agreed limit, therefore it is necessary to switch to a mark selective fishery (hatchery, adipose clipped fish only) to allow continued 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New ____ Amended ____ Repealed ____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New 1 Amended ____ Repealed 1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: October 10, 2023	Signature: 
Name: Amy Windrope for Kelly Susewind	
Title: Director	

NEW SECTION

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

Effective immediately, through December 31, 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 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 immediately, through Oct. 29, 2023:

- (a) Open Thursdays through Sundays each week. Closed Mondays through Wednesdays each week.
- (b) Daily limit 2 adult hatchery Chinook. No daily limit for jack Chinook. Release all salmon other than hatchery adult Chinook and jack 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 Idaho Border at Clarkston:**

Salmon: Effective immediately, through October 31, 2023:

- (a) Daily limit 3 adult Chinook and 2 adult coho. No daily limit for jack Chinook or jack coho. Release all salmon other than Chinook and coho.
- (b) Barbless hooks required.
- (c) Salmon may not be removed from the water unless to be retained as part of the daily limit.

- (3) **Snake River (Franklin/Walla Walla Counties): From the Idaho border at Clarkston to the Oregon state line:**

Salmon:

- (a) Effective immediately, through October 31, 2023:
 - (i) Daily limit 3 adult Chinook and 2 adult coho. No daily limit for jack Chinook or jack coho. Release all salmon other than Chinook and coho.
 - (ii) Barbless hooks required.
 - (iii) Salmon may not be removed from the water unless to be retained as part of the daily limit.
- (b) Effective November 1 through December 31, 2023:

- (i) Daily limit 2 adult coho. No daily limit for jack coho. Release all salmon other than coho.
- (ii) Barbless hooks required.
- (iii) Salmon may not be removed from the water unless to be retained as part of the daily limit.

REPEALER

The following section of Washington Administrative Code is repealed, effective immediately:
WAC 220-312-05000L Freshwater exceptions to statewide rules—Eastside. (23-224)