



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: June 06, 2024

TIME: 1:45 PM

WSR 24-13-018

Agency: Department of Fish and Wildlife (Order 24-92)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) June 8, 2024

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 rescind rules restricting anglers from fishing for salmon and steelhead from a vessel between Beacon Rock and Hamilton Island boat ramp and re-open spring Chinook from Bonneville Dam to the OR/WA border. This rule also carries forward Columbia River salmon and steelhead seasons previously announced in WSR 24-12-034 and WSR 24-12-062.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-312-06000L; WAC 220-312-06000M
 Amended: WAC 220-312-060
 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 rule applies joint state action taken on June 6, 2024, to rescind the hand-cast only and no angling from a vessel restriction from Beacon Rock upstream to Hamilton boat ramp and re-open spring Chinook from Bonneville Dam to the OR/WA border. Additionally, summer fishery regulations developed through the 2024 North of Falcon season setting process are included and is consistent with co-manager agreements. ESA impacts and allowable harvest allocations are available to recreational fisheries in order to access salmon and steelhead. The fishery is consistent with the U.S. v Oregon Management Agreement and the associated Biological Opinion. Conforms Washington state rules with Oregon state rules. The general public welfare is protected with the immediate opening of recreational salmon fishing. This limited harvest allows for public use of the resource as well as the maintenance of a sustainable fish population.

Washington and Oregon jointly regulate Columbia River fisheries under the congressionally-ratified Columbia River Compact. Four Indian Tribes have treaty fishing rights in the Columbia River. The treaties preempt state regulations that fail to allow the Tribes an opportunity to take a fair share of the available fish, and the states must manage other fisheries accordingly. *Sohappy v. Smith*, 302 F. Supp. 899 (D. Or. 1969). A court order sets the current parameters. *United States v. Oregon*, Civil No. 68 513 KI (D. Or.), Order Adopting 2018-2027 United States v. Oregon Management Agreement (February 26, 2018) (Doc. No. 2607-1). Some salmon and steelhead stocks in the Columbia River are listed as threatened or endangered under the federal Endangered Species Act. On February 23, 2018, the National Marine Fisheries Service issued a biological opinion under 16 U.S.C. § 1536 that allows for some incidental take of these species in the fisheries as described in the 2018-2027 U.S. v. Oregon Management Agreement.

Some Columbia River Basin salmon and steelhead stocks are listed as threatened or endangered under the federal Endangered Species Act. The Washington and Oregon Fish and Wildlife Commissions have developed policies to guide the implementation of such biological opinions in the states' regulation of non-treaty fisheries.

Columbia River non-treaty fisheries are monitored very closely to ensure compliance with federal court orders, the Endangered Species Act, and Commission guidelines. Because conditions change rapidly, the fisheries are managed almost exclusively by emergency rule. Representatives from the Washington and Oregon Departments of Fish and Wildlife convene public hearings and take public testimony when considering proposals for new emergency rules. WDFW and ODFW then adopt regulations reflecting agreements reached. There is insufficient time to promulgate 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	2
-----	---	---------	-----	----------	---

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: June 6, 2024	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

WAC 220-312-06000N Freshwater exceptions to statewide rules—Columbia River.

Effective June 8 through July 31, 2024, the provisions of WAC 220-312-060 regarding recreational salmon and steelhead seasons from the Megler-Astoria Bridge to Priest Rapids Dam, shall be modified as described below, except in areas closed to fishing for salmon and steelhead year-round in WAC 220-312-060. All other provisions of WAC 220-312-060 not addressed herein remain in effect unless otherwise amended by emergency rule:

(1) From the Megler-Astoria Bridge upstream to a projected line from Rocky Point on the Washington bank through red buoy 44 to the red navigation marker 2 at Tongue Point on the Oregon Bank: Salmon and steelhead:

- (a) Effective June 16 through June 19, 2024: Daily limit 6, no more than 2 adults may be retained of which up to 1 may be a steelhead. Release all salmon and steelhead other than hatchery Chinook, sockeye, and hatchery steelhead.
- (b) Effective June 20 through July 31, 2024: Daily limit 6, no more than 2 adults may be retained of which up to 1 may be a steelhead. Release all salmon and steelhead other than hatchery jack Chinook, sockeye, and hatchery steelhead.

(2) From a projected line from Rocky Point on the Washington bank through red buoy 44 to the red navigation marker 2 at Tongue Point on the Oregon Bank upstream to Bonneville Dam: Salmon and steelhead:

- (a) Effective immediately, through June 15, 2024: Daily limit is 6, no more than 2 adults may be retained of which no more than 1 may be an adult Chinook. Release all salmon other than hatchery Chinook.
- (b) Effective June 16 through June 19, 2024: Daily limit 6, no more than 2 adults may be retained of which up to 1 may be a steelhead. Release all salmon and steelhead other than hatchery Chinook, sockeye, and hatchery steelhead.
- (c) Effective June 20 through July 31, 2024: Daily limit 6, no more than 2 adults may be retained of which up to 1 may be a steelhead. Release all salmon and steelhead other than hatchery jack Chinook, sockeye, and hatchery steelhead.

(3) From Bonneville Dam upstream to Tower Island power lines (approximately 6 miles below The Dalles Dam): Salmon and steelhead:

- (a) Effective immediately, through June 15, 2024: Daily limit is 6, no more than 2 adults may be retained of which no more than 1 may be an adult Chinook. Release all salmon other than hatchery Chinook. Closed to angling from a floating device or by any method except hand-cast lines from shore.

- (b) Effective June 16 through June 30, 2024: Daily limit 6, no more than 2 adults may be retained of which up to 1 may be a steelhead. Release all salmon and steelhead other than hatchery Chinook, sockeye, and hatchery steelhead.
- (c) Effective July 1 through July 31, 2024: Daily limit 6, no more than 2 adults may be retained of which up to 1 may be a steelhead. Release all salmon and steelhead other than hatchery jack Chinook, sockeye, and hatchery steelhead.

(4) From Tower Island power lines upstream to The Dalles Dam: Salmon and steelhead:

- (a) Effective immediately, through June 15, 2024: Daily limit is 6, no more than 2 adults may be retained of which no more than 1 may be an adult Chinook. Release all salmon other than hatchery Chinook.
- (b) Effective June 16 through June 30, 2024: Daily limit 6, no more than 2 adults may be retained of which up to 1 may be a steelhead. Release all salmon and steelhead other than hatchery Chinook, sockeye, and hatchery steelhead.
- (c) Effective July 1 through July 31, 2024: Daily limit 6, no more than 2 adults may be retained of which up to 1 may be a steelhead. Release all salmon and steelhead other than hatchery jack Chinook, sockeye, and hatchery steelhead.

(5) From The Dalles Dam upstream to a line starting from a fishing boundary sign on the Washington north shore located approximately 1300' upstream of The Dalles Dam and Lock boat ramp projected easterly across the Columbia River to a boundary sign on the Washington southern shore located approximately 200' above the fish ladder exit: Salmon and steelhead:

Effective immediately, until further notice: Closed to fishing for and retention of salmon and steelhead.

(6) From a line starting from a fishing boundary sign on the Washington north shore located approximately 1300' upstream of The Dalles Dam and Lock boat ramp projected easterly across the Columbia River to a boundary sign on the Washington south shore located approximately 200' above the fish ladder exit upstream to Hwy. 730 at the Washington/Oregon border: Salmon and steelhead:

- (a) Effective immediately, through June 15, 2024: Daily limit is 6, no more than 2 adults may be retained of which no more than 1 may be an adult Chinook. Release all salmon other than hatchery Chinook.
- (b) Effective June 16 through June 30, 2024: Daily limit 6, no more than 2 adults may be retained of which up to 1 may be a steelhead. Release all salmon and steelhead other than hatchery Chinook, sockeye, and hatchery steelhead.

(c) Effective July 1 through July 31, 2024: Daily limit 6, no more than 2 adults may be retained of which up to 1 may be a steelhead. Release all salmon and steelhead other than hatchery jack Chinook, sockeye, and hatchery steelhead.

(7) From Hwy. 730 at the Washington/Oregon border upstream to Hwy. 395 Bridge at Pasco: Salmon and steelhead:

(a) Effective June 16 through June 30, 2024: Daily limit 6, no more than 2 adults may be retained of which up to 1 may be a steelhead. Release all salmon and steelhead other than hatchery Chinook, sockeye, and hatchery steelhead.

(b) Effective July 1 through July 31, 2024: Daily limit 6, no more than 2 adults may be retained of which up to 1 may be a steelhead. Release all salmon and steelhead other than hatchery jack Chinook, sockeye, and hatchery steelhead.

(8) From Columbia Point (approximately 1/3 mile downstream of I-182 Bridge) upstream to I-182 Bridge: Salmon:

(a) Effective June 16 through June 30, 2024: Closed to angling from a floating device or by any method except hand-cast lines from the west shore (Richland side of the river).

(b) Effective June 16 through June 30, 2024: Daily limit 6, up to 4 adult salmon including no more than 1 Chinook may be retained. Release all salmon and steelhead other than hatchery Chinook and sockeye.

(9) From I-182 Bridge upstream to Priest Rapids Dam: Salmon:

Effective June 16 through June 30, 2024: Daily limit 6, up to 4 adult salmon including no more than 1 Chinook may be retained. Release all salmon and steelhead other than hatchery adult Chinook, jack Chinook and sockeye.

REPEALER

The following sections of Washington Administrative Code are repealed, effective June 8, 2024:

WAC 220-312-06000L Freshwater exceptions to statewide rules—Columbia. (24-81)

WAC 220-312-06000M Freshwater exceptions to statewide rules—Columbia. (24-82)