



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Washington Department of Fish and Wildlife

Emergency Rule Only

Effective date of rule:

Emergency Rules 16-245

- Immediately upon filing.
- Later (specify) September 15, 2016

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: Amends freshwater recreational fishing in the Columbia river

Citation of existing rules affected by this order:

Repealed: WAC 220-310-20000B
 Amended: WAC 220-310-200
 Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.04.055, 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.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: The total (hatchery and wild fish) forecast for the Upper Columbia River (UCR) steelhead passage at Priest Rapids Dam this year is much less than expected. UCR steelhead are listed as threatened under the federal Endangered Species Act. Passage projections are well below broodstock and natural escapement targets. This emergency rule is needed to reduce the steelhead daily limit which will provide additional conservation measures intended to increase the number of natural spawners. There is insufficient time to adopt permanent rules.

Date adopted: September 13, 2016

NAME (TYPE OR PRINT)
Joe Stohr for J W Unsworth

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 13, 2016

TIME: 3:48 PM

WSR 16-19-034

**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	_____
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The number of sections adopted in the agency's own initiative:

New	<u>1</u>	Amended	_____	Repealed	<u>1</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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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	_____

NEW SECTION

WAC 220-310-20000B Exceptions to statewide rules—Columbia River.

Notwithstanding the provisions of WAC 220-310-200:

- (1) Effective September 15 through December 31, 2016, in waters from McNary Dam to Hwy. 395 Bridge at Pasco, including the Snake River Confluence Protection Area, the steelhead daily limit is reduced to one hatchery steelhead.
- (2) Effective November 1 through December 31, 2016, in waters from Hwy. 395 Bridge to the Old Hanford townsite wooden powerline towers, only steelhead with both adipose fin clipped and ventral fin clipped may be retained.

REPEALER

This following section of the Washington Administrative Code is repealed effective January 1, 2017:

WAC 220-310-20000B Exceptions to statewide rules—Columbia River.

Reasons for this finding: The total (hatchery and wild fish) forecast for the Upper Columbia River (UCR) steelhead passage at Priest Rapids Dam this year is much less than expected. UCR steelhead are listed as an Endangered Species Act threatened stock. Passage projections are well below broodstock and natural escapement targets. This emergency rule is needed to reduce the steelhead daily limit which will provide additional conservation measures intended to increase the number of natural spawners. There is insufficient time to adopt permanent rules.

(16-245, 9/13/2016)