

WSR 21-12-017
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 21-72—Filed May 21, 2021, 10:03 a.m., effective May 25, 2021]

Effective Date of Rule: May 25, 2021.

Purpose: The purpose of this emergency rule is to open retention seasons for spring Chinook salmon in Snake River.

Citation of Rules Affected by this Order: Amending WAC 220-312-050.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

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.

Reasons for this Finding: The 2021 return of upriver spring Chinook salmon was upgraded by the *U.S. v. Oregon* Technical Advisory Committee to eighty-seven thousand from seventy-five thousand two hundred. This allows for additional harvest within the Snake River based on the Washington department of fish and wildlife Commission Policy C-3620. The *U.S. v. Oregon* (2018-2027) Management Agreement provides Endangered Species Act coverage for this fishery.

There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 21, 2021.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-05000T Freshwater exceptions to statewide rules—Eastside. Effective the dates of May 25 and May 28, 2021 only, 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:

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: Tuesday May 25, 2021 and Friday May 28, 2021 only:

(b) Daily limit 4, 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.

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Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.