WSR 21-01-203
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Order 20-259—Filed December 22, 2020, 5:21 p.m., effective January 1, 2021]

Effective Date of Rule: January 1, 2021.

Purpose: The purpose of this emergency rule is to increase the daily steelhead limit for the Columbia River from Buoy 10 upstream to The Dalles Dam and to continue to allow retention steelhead from The Dalles Dam to the Hwy. 395 Bridge at Pasco.

Citation of Rules Affected by this Order: Repealing WAC 220-312-06000D; and amending WAC 220-312-060.

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: This action achieves concurrency between Oregon and Washington in jointly managed waters. Daily winter steelhead limit is corrected by increasing the daily limit from 1 to 2 for areas downstream of The Dalles Dam. Retention of hatchery upriver summer steelhead upstream of The Dalles Dam is expected to accrue less than 0.1% Endagngered Species Act impacts to A-and B-Index steelhead, which is below the remaining balance available.

The low preseason forecast prompted fishery managers to take a conservative approach when setting this years' summer steelhead fishery. Although the B-Index summer steelhead run is currently projected at 32,300 fish compared to the preseason expectation of 9,600 fish, fishery managers want to maintain the conservative approach throughout the run-year. Under permanent regulations, the retention of Chinook and coho is prohibited beginning January 1 upstream of the I-5 Bridge.

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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.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: December 21, 2020.

Kelly Susewind
Director

<u>NEW SECTION</u>

WAC 220-312-06000D Freshwater exceptions to statewide rules—Columbia River. Effective January 1 through March 31, 2021, the provisions of WAC 220-312-060 regarding Columbia River salmon and steelhead seasons from the mouth (Buoy 10) to the Hwy. 395 Bridge at Pasco, shall be as described below. All other provisions of WAC 220-312-060 not addressed herein remain in effect unless otherwise amended by emergency rule:

(1) From a true North and South line through Buoy 10 to the I-5 Bridge: Salmon and steelhead:

Effective January 1 through March 31, 2021: Daily limit 6. Up to 2 adult salmon or 2 hatchery steelhead or 1 of each may be retained. Release all salmon other than hatchery Chinook. Release wild steelhead.

(2) From the I-5 Bridge to The Dalles Dam: Salmon and steelhead:

Effective January 1 through March 31, 2021: Daily limit 2 hatchery steelhead. Release all salmon. Release wild steelhead.

(3) From The Dalles Dam to Hwy. 395 Bridge at Pasco: Salmon and steelhead:

Effective January 1 through March 31, 2021: Daily limit 1 hatchery steelhead. Release all salmon. Release wild steelhead.

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<u>REPEALER</u>

The following section of Washington Administrative Code is repealed, effective April 1, 2021:

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