

**WSR 22-21-021
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 22-229—Filed October 5, 2022, 5:22 p.m., effective October 6, 2022]

Effective Date of Rule: October 6, 2022.

Purpose: The purpose of this emergency rule is to allow retention of hatchery steelhead in Drano Lake.

Citation of Rules Affected by this Order: Amending WAC 220-312-030.

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 emergency rule is necessary to open hatchery steelhead retention in Drano Lake.

Summer steelhead fisheries for 2022 were closed in Drano Lake through the North of Falcon rule-making process based on low preseason forecasts and the need to limit Endangered Species Act (ESA)-listed steelhead impacts in nontreaty fisheries. The estimated return of B-index summer steelhead, the primary stock currently passing Bonneville Dam, was recently increased from preseason forecasts. Mainstem Columbia River temperatures are also decreasing, likely reducing the number of ESA-listed summer steelhead occupying Drano Lake. Reopening hatchery steelhead retention at this time will provide added sport fishing opportunity for anglers, while also meeting conservation objectives for ESA-listed steelhead stocks.

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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: October 5, 2022.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

**WAC 220-312-03000H Freshwater exceptions to statewide rules—
Southwest.** Effective October 6 through October 31, 2022, the provisions of WAC 220-312-030 regarding Drano Lake steelhead retention shall be modified during times and as described below. All other provisions of WAC 220-312-030 not addressed herein remain in effect unless otherwise amended by emergency rule:

Drano Lake (Skamania Co.): Downstream of markers on a point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of the Highway 14 bridge:

Salmon and hatchery steelhead: Effective October 6 through October 31, 2022: Daily limit 6; of which up to 1 may be an adult salmon or hatchery steelhead.

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