

WSR 23-10-026
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-59—Filed April 26, 2023, 10:24 a.m., effective May 2, 2023]

Effective Date of Rule: May 2, 2023.

Purpose: The purpose of this emergency rule is to open spring Chinook seasons in the 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 2023 Columbia River forecasted return of upriver spring Chinook salmon is sufficiently abundant to allow for harvest opportunity on the Snake River based on the Washington department of fish and wildlife (WDFW) Commission Policy C-3620. The *U.S. v. Oregon* (2018-2027) Management Agreement provides Endangered Species Act (ESA) coverage for this fishery.

WDFW will monitor spring Chinook returns throughout the season and may close the fishery at any time due to harvest levels, ESA impacts, in-season run adjustments, or a combination thereof.

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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: April 26, 2023.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

WAC 220-312-05000Y Freshwater exceptions to statewide rules—Eastside. Effective May 2, 2023, until further notice, 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:

(1) 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 re-turn pipe and little Goose Dam along the shoreline of the facility:

Salmon:

(a) Effective May 2, 2023, until further notice: Open Tuesdays and Fridays only; closed Mondays, Wednesdays, Thursdays, Saturdays, and Sundays.

(b) Daily limit 4, of which 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.

(2) Snake River (Franklin/Walla Wall Counties): the South Bound Highway 12 Bridge near Pasco upstream about 7 miles to the fishing restriction boundary below Ice Harbor Dam: Salmon:

(a) Effective May 3, 2023, until further notice: Open Wednesdays and Thursdays only; closed Mondays, Tuesdays, Fridays, Saturdays, and Sundays.

(b) Daily limit 4, of which 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.