

WSR 25-16-059
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 25-163—Filed July 31, 2025, 12:37 p.m., effective August 1, 2025]

Effective Date of Rule: August 1, 2025.

Purpose: This emergency rule opens recreational hatchery steelhead retention during the month of August, downstream of The Dalles Dam.

Citation of Rules Affected by this Order: 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: Oregon and Washington met and took the following joint state action extending mainstem Columbia River recreational hatchery summer steelhead retention downstream of The Dalles Dam to Buoy 10. The hatchery steelhead daily limit remains at one. The cumulative A-Index summer steelhead count through July 28 at Bonneville Dam is 92 percent of the preseason total (July - October) with historical run-timing indicating the A-Index abundance will ultimately be significantly higher than the preseason forecast. Current catch estimates and projections indicate that sufficient A- and B-Index summer steelhead Endangered Species Act (ESA) impacts are available for additional limited opportunity. Staff will continue to monitor progress of returns and ongoing salmon/steelhead fisheries, with an expectation to manage within the allowable ESA impact rates, the *U.S. v. OR Management Agreement*, and the Washington Fish and Wildlife Policy C-3630 (salmon). This rule conforms Washington state rules with Oregon state rules and is consistent with joint state action on July 30, 2025.

Washington and Oregon jointly regulate Columbia River fisheries under the congressionally ratified Columbia River Compact. Four Indian tribes have treaty fishing rights in the Columbia River. The treaties preempt state regulations that fail to allow the tribes an opportunity to take a fair share of the available fish, and the states must manage other fisheries accordingly. *Sohappy v. Smith*, 302 F. Supp. 899 (D. Or. 1969). A court order sets the current parameters. *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2018-2027 *United States v. Oregon Management Agreement* (February 26, 2018) (Doc. No. 2607-1). Some salmon and steelhead stocks in the Columbia River are listed as threatened or endangered under ESA. On February 23, 2018, the National Marine Fisheries Service issued a biological opinion under 16 U.S.C. § 1536 that allows for some incidental take of these species in the fisheries as described in the 2018-2027 *U.S. v. Oregon Management Agreement*. The Washington and Oregon fish and wildlife commissions (commission) have developed policies to guide the implementation of such biological opinions in the states' regulation of nontreaty fisheries.

Columbia River nontreaty fisheries are monitored very closely to ensure compliance with federal court orders, ESA, and commission guidelines. Because conditions change rapidly, the fisheries are man-

aged almost exclusively by emergency rule. Representatives from the Washington (WDFW) and Oregon (ODFW) departments of fish and wildlife convene public hearings and take public testimony when considering proposals for new emergency rules. WDFW and ODFW then adopt regulations reflecting agreements reached.

There is insufficient time to promulgate 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: July 30, 2025.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-06000T Freshwater exceptions to statewide rules—Columbia River. Effective August 1 through August 31, 2025, the provisions of WAC 220-312-060 regarding recreational salmon and steelhead seasons from a true north-south line through Buoy 10 upstream to The Dalles Dam, shall be modified during the dates listed and as described below. All year-round Closed Waters areas remain in effect. Other provisions of WAC 220-312-060 not addressed herein remain in effect unless otherwise amended by emergency rule:

(1) From a true north-south line through Buoy 10 upstream to a projected line from Rocky Point on the Washington bank through Red Buoy 44 to the red navigation marker 2 at Tongue Point on the Oregon bank:

(a) Effective August 1 through August 6, 2025: Salmon and steelhead. Daily limit 2 salmon or 1 salmon and 1 hatchery steelhead. No more than 1 Chinook may be retained. Release all salmon and steelhead other than Chinook, hatchery coho and hatchery steelhead. Chinook minimum size 24 inches. Coho minimum size 16 inches.

(b) Effective August 7 through August 25, 2025: Salmon and steelhead. Daily limit 2 salmon or 1 salmon and 1 hatchery steelhead. No more than 1 Chinook may be retained. Release all salmon and steelhead other than hatchery Chinook, hatchery coho and hatchery steelhead. Chinook minimum size 24 inches. Coho minimum size 16 inches.

(c) Effective August 26 through August 31, 2025: Salmon and steelhead. Daily limit 2 salmon or 1 salmon and 1 hatchery steelhead. No more than 1 Chinook may be retained. Release all salmon and steelhead other than Chinook, hatchery coho and hatchery steelhead. Chinook minimum size 24 inches. Coho minimum size 16 inches.

(2) From a projected line from Rocky Point on the Washington bank through Red Buoy 44 to the red navigation marker 2 at Tongue Point on the Oregon bank to a line at the west end of Puget Island projected from green navigation marker 39 on the Washington bank to green navigation marker 41, then to red navigation marker 42, and terminating at red navigation marker 44A on the Oregon bank:

(a) Effective August 1 through August 6, 2025: Salmon and steelhead. Daily limit 6. Up to 2 adult salmon or 1 adult salmon and 1 hatchery steelhead may be retained. No more than 1 adult Chinook may be retained. Release all salmon and steelhead other than Chinook, hatchery coho, and hatchery steelhead.

(b) Effective August 7 through August 25, 2025: Daily limit 6. Up to 2 adult salmon or 1 adult salmon and 1 hatchery steelhead may be retained. No more than 1 adult Chinook may be retained. Release all salmon and steelhead other than hatchery Chinook, hatchery coho, and hatchery steelhead.

(c) Effective August 26 through August 31, 2025: Salmon and steelhead. Daily limit 6. Up to 2 adult salmon or 1 adult salmon and 1 hatchery steelhead may be retained. No more than 1 adult Chinook may be retained. Release all salmon and steelhead other than Chinook, hatchery coho, and hatchery steelhead.

(3) From a line at the west end of Puget Island projected from green navigation marker 39 on the Washington bank to green navigation marker 41, then to red navigation marker 42, and terminating at red navigation marker 44A on the Oregon bank upstream to the Hood River Bridge

Effective August 1 through August 31, 2025: Salmon and steelhead: Daily limit 6. Up to 2 adult salmon or 1 adult salmon and 1 hatchery steelhead may be retained. No more than 1 adult Chinook may be retained. Release all salmon and steelhead other than Chinook, hatchery coho, and hatchery steelhead.

(4) From Hood River Bridge upstream to The Dalles Dam:

Effective August 1 through August 31, 2025: Salmon and steelhead: Daily limit 6. Up to 2 adult salmon or 1 adult salmon and 1 hatchery steelhead may be retained. No more than 1 adult Chinook may be retained. Release all salmon and steelhead other than Chinook, coho, and hatchery steelhead.