RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Washington Department of Fish and Wildlife

Permanent Rule Only

Effective date of rule: 11-184
Permanent Rules
☒ 31 days after filing.
☐ Other (specify) _____ **(If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)**

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
☐ Yes ☒ No If Yes, explain:

Purpose: **WAC 220-55-160,** Free fishing weekend: Language added to clarify that the two-pole endorsement and the Columbia River endorsement are not needed during Free Fishing weekend. **WAC 220-55-220,** Two pole endorsement: A portion of Swift Reservoir is removed from the areas where anglers may fish with 2 poles, due to bull trout holding in this area. **WAC 220-55-230,** Columbia River endorsement: Stream sections are added to the rule for clarification. Gobar Creek, a Kalama River tributary, was added to the list where the endorsement is required. Cougar Lake was removed, and the description for Swift Reservoir was revised. **WAC 220-55-240,** Daily limits forage fish and other food fish not otherwise provided for: Clarifies the daily limit of 15 for shiner perch. During the last rule change cycle, Shiner perch were inadvertently included in the species that have a 2-fish daily limit. **WAC 220-56-270,** Smelt—Areas and seasons: Closes fishing for eulachon smelt state-wide, due to their "threatened" listing under the Endangered Species Act. Adds the scientific name for the smelt species to clarify that the closure applies only to this species.
Reasons supporting proposal: All of these rule changes were adopted by the Washington Fish and Wildlife Commission on February 5, 2011, to provide for maximum recreational fishing opportunity while conserving fish resources. By the time the Washington Department of Fish and Wildlife (WDFW) filed the Rule-Making Order (CR-103P) on April 12, 2011, to make these rules effective 31 days later, the time limit for filing all of the adopted rules except WAC 232-28-619 had expired. This rule-making order adopts as permanent rules the previously expired sections.

Citation of existing rules affected by this order:
Repealed:
Amended: WAC 220-55-160, 220-55-220, 220-55-230, 220-55-240, and 220-56-270
Suspended:

Statutory authority for adoption: RCW 77.04.020 and 77.12.047

Other authority :

PERMANENT RULE (Including Expedited Rule Making)
Adopted under notice filed as WSR 11-09-060 on April 18, 2011 (date).
Describe any changes other than editing from proposed to adopted version: N/A

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: phone ( ) _____
Address: fax ( ) _____
e-mail _____

Date adopted: August 3, 2011

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 03, 2011
TIME: 10:12 AM

WSR 11-16-103

(COMPLETE REVERSE SIDE)

Note: If any category is left blank, it will be calculated as zero. No descriptive text.

Count by whole WAC sections only, from the WAC number through the history note. A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended		Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____

The number of sections adopted in the agency's own initiative:

New	_____	Amended	5	Repealed	_____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

AMENDATORY SECTION (Amending Order 06-135, filed 6/13/06, effective 7/14/06)

WAC 220-55-160 Free fishing weekend. The Saturday and Sunday following the first Monday in June is declared to be free fishing weekend in Washington. On this weekend a fishing license is not required for any person, regardless of age or residency, to fish for or possess fish and shellfish and a fish and wildlife lands vehicle use permit is not required to utilize department parking facilities except that it is unlawful to fish for or possess any species for which a catch record is required without a valid catch record card in possession. Anglers may fish with two poles in all lakes where it is legal to do so without purchasing a two-pole endorsement, and may also fish in all open areas of the Columbia River and tributaries without purchasing a Columbia River endorsement. During free fishing weekend only the license, endorsements, and permit provided for in this section are affected, and all other rules including the catch record card requirement remain in effect.

AMENDATORY SECTION (Amending Order 10-64, filed 3/19/10, effective 5/1/10)

WAC 220-55-220 Two pole endorsement. Anglers who are in possession of a valid two pole endorsement may fish with two lines in all lakes and ponds open to fishing, with the following exceptions:

Water Body	County	
Para-juvenile Lake	Adams	
Quail Lake	Adams	
Headgate Pond	Asotin	
Columbia Park Pond	Benton	
Blackbird Island Pond	Chelan	
Lake Wenatchee	Chelan	
Aldwell Lake	Clallam	
Beaver Lake	Clallam	
Carrie Blake Pond	Clallam	
Dickey Lake	Clallam	
Lake Pleasant	Clallam	
Lincoln Pond	Clallam	
Sutherland Lake	Clallam	
Vancouver Lake	Clark	Includes all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River
Big Four Lake	Columbia	
Dayton Pond	Columbia	
Blue Lake	Cowlitz	
Castle Lake	Cowlitz	
Coldwater Lake	Cowlitz	
Lewis River Power Canal	Cowlitz	Includes old Lewis River streambed between Swift No.1 powerhouse and Swift No. 2 powerhouse
Merrill Lake	Cowlitz	
Silver Lake	Cowlitz	
Grimes Lake	Douglas	
Pit Lake	Douglas	
Long Lake	Ferry	
Beda Lake	Grant	
Brookies Lakes	Grant	
Dry Falls Lake	Grant	
Dusty Lake	Grant	
Homestead Lake	Grant	
Lenice Lake	Grant	
Lenore Lake	Grant	
Merry Lake	Grant	
Nunnally Lake	Grant	

Water Body	County	
Ping Pond	Grant	
Damon Lake	Grays Harbor	
Mill Creek Pond	Grays Harbor	
Promised Land Pond	Grays Harbor	
Quigg Lake	Grays Harbor	Located at Friends Landing near Montesano
Shye Lake	Grays Harbor	
Vance Creek Pond #1	Grays Harbor	
Vance Creek Pond #2	Grays Harbor	
Wynoochee Reservoir	Grays Harbor	
Anderson Lake	Jefferson	
Gibbs Lake	Jefferson	
Horseshoe Lake	Jefferson	
Teal Lake	Jefferson	
Lake Sammamish	King	
Lake Union	King	
Lake Washington	King	Including that portion of Sammamish River from 68th Ave. NE bridge downstream
Lake Washington Ship Canal	King	(Including Lake Union, Portage Bay, and Salmon Bay) waters east of a north-south line 400' west of the Chittenden Locks to the MontLake Bridge
Mill Pond	King	Auburn
Old Fishing Hole Pond	King	Kent
Portage Bay	King	
Rattlesnake Lake	King	
Ravensdale Lake	King	
Salmon Bay	King	
Swans Mill Pond	King	
Koeneman Lake	Kitsap	Formerly Fern Lake
Easton Lake	Kittitas	
Kachess Lake	Kittitas	
Keechelus Lake	Kittitas	
Kiwanis Pond	Kittitas	
Naneum Pond	Kittitas	
Cowlitz Falls Reservoir	Lewis	
Fort Borst Park Pond	Lewis	
Mayfield Lake	Lewis	Mayfield Dam to Mossyrock Dam
Packwood Lake	Lewis	
Scanewa Lake	Lewis	Cowlitz Falls Reservoir
Walupt Lake	Lewis	
Willame Lake	Lewis	
Coffeepot Lake	Lincoln	
Cady Lake	Mason	
Cushman Reservoir	Mason	
Prices Lake	Mason	
Stump Lake	Mason	
Aeneas Lake	Okanogan	
Big Twin Lake	Okanogan	

Water Body	County	
Black Lake	Okanogan	
Blue Lake	Okanogan	Near Wannacut Lake
Blue Lake	Okanogan	Sinlahekin Creek
Campbell Lake	Okanogan	
Chopaka Lake	Okanogan	
Cougar Lake	Okanogan	Lost River
Davis Lake	Okanogan	
Ell Lake	Okanogan	
Green Lake	Okanogan	
Green Lake	Okanogan	Lower Green Lake
Hidden Lake	Okanogan	Lost River
Rat Lake	Okanogan	
Silvernail Lake	Okanogan	
Cases Pond	Pacific	
Middle Nemah Pond	Pacific	
Mooses Pond	Pacific	
Owens Pond	Pacific	
South Bend Mill Pond	Pacific	
Browns Lake	Pend Oreille	
Muskegon Lake	Pend Oreille	
Bradley Lake	Pierce	
De Coursey Pond	Pierce	
Ohop Lake	Pierce	
Tanwax Lake	Pierce	
Wapato Lake	Pierce	
Granite Lakes	Skagit	Near Marblemount
Northern State Hospital Pond	Skagit	
Pass Lake	Skagit	
Vogler Lake	Skagit	
Drano Lake	Skamania	(Little White Salmon River) downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of Hwy. 14 bridge
Swift Reservoir	Skamania	From ((~~dam to~~)) markers approximately ((~~1~~)) 3/8 mile below Eagle Cliff Bridge to bridge
Ebey Lake	Snohomish	Little Lake
Fortson Mill Pond #2	Snohomish	
Jennings Park Pond	Snohomish	
Monte Cristo Lake	Snohomish	
North Gissburg Pond	Snohomish	
Spada Lake	Snohomish	
Amber Lake	Spokane	
Bear Lake	Spokane	
Medical Lake	Spokane	
North Silver Lake	Spokane	
Bayley Lake	Stevens	
Lucky Duck Pond	Stevens	
Mcdowell Lake	Stevens	
Rigley Lake	Stevens	

Water Body	County	
Kennedy Creek Pond	Thurston	
Long's Pond	Thurston	
Mclane Creek Ponds	Thurston	
Munn Lake	Thurston	
Jefferson Park Pond	Walla Walla	
Lions Park Pond	Walla Walla	College Place
Diablo Lake	Whatcom	
Gorge Lake	Whatcom	
Lake Whatcom	Whatcom	
Ross Lake	Whatcom	
Squalicum Lake	Whatcom	
Garfield Juvenile Pond	Whitman	
Bumping Lake	Yakima	
Clear Lake	Yakima	
Leech Lake	Yakima	White Pass area
Mud Lake	Yakima	
Myron Lake	Yakima	
Rimrock Lake	Yakima	
Sarge Hubbard Park Pond	Yakima	
Yakima Sportsmen's Park Ponds	Yakima	

Note: The two pole endorsement is not valid in the Columbia and Snake rivers except as noted in Lake Roosevelt and Rufus Woods Lake.

AMENDATORY SECTION (Amending Order 10-64, filed 3/19/10, effective 5/1/10)

WAC 220-55-230 Columbia River endorsement. Anglers fifteen years of age or older must be in possession of a valid Columbia River endorsement to fish for salmon or steelhead in the following waters:

Mainstem Columbia River from the Rocky Point/Tongue Point line to Chief Joseph Dam
Deep River (Wahkiakum County)
Grays River (Wahkiakum County) mouth to mouth of South Fork
    Grays River, West Fork mouth to hatchery intake footbridge
    Grays River, East Fork
Skamokawa River (Wahkiakum County) mouth (Hwy 4 Bridge) to forks below Oatfield and Middle Valley Road
Elochoman River (Wahkiakum County) mouth to mouth of West Fork
Mill Creek (Lewis County)
Abernathy Creek (Cowlitz County) mouth to Abernathy Falls
Germany Creek (Cowlitz County) mouth to end of Germany Creek Road
Coal Creek (Cowlitz County) mouth to 400 feet below falls
Cowlitz River (Cowlitz County) mouth to mouth of Ohanapecosh and Muddy forks

Blue Creek mouth to Spencer Road
Lacamas Creek
Mill Creek mouth to hatchery road crossing culvert
Olequa Creek
Tilton River mouth to West Fork
Tilton River, East Fork
Tilton River, North Fork
Tilton River, South Fork
Tilton River, West Fork
Mayfield Lake
((~~Riffe Lake~~))
Lake Scanewa
Cispus River (Lewis County) mouth to North Fork
Coweeman River (Cowlitz County)
Toutle River (Cowlitz County) mouth to forks
Toutle River, North Fork
Toutle River, South Fork
Green River (Cowlitz County) mouth to Miner's Creek
((~~Green River (Cowlitz County)~~))
Kalama River (Cowlitz County) mouth to Kalama Falls
Gobar Creek (Cowlitz County)
Lewis River (Clark/Cowlitz counties) mouth to mouth of East Fork
Lewis River, North Fork mouth to Merwin Dam
Lewis River, East Fork
Cedar Creek (Clark County)
Salmon Creek (Clark County) mouth to 72nd Ave. N.E.
Washougal River (Clark County)
Washougal River West, North Fork
Little Washougal
Camas Slough (Clark County) (waters outside the mouth of the Washougal River, north of Lady Island, and downstream of the Highway 14 Bridge at the upstream end of Lady Island)
Drano Lake (Skamania County) (little White Salmon River downstream of the markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of Highway 14 Bridge)
Hamilton Creek (Skamania County)
Rock Creek (Skamania County)
Wind River (Skamania County)
White Salmon River (Klickitat/Skamania counties) mouth to Northwestern (Condit) Dam
Klickitat River (Klickitat County)
Walla Walla River (Walla Walla County) and tributaries
Mill Creek (Walla Walla County)
Touchet River (Columbia/Walla Walla counties) mouth to confluence of North Fork and South Fork
Touchet River, North Fork
Touchet River, South Fork
Touchet River, Wolf Fork
Grande Ronde River (Asotin County)
Snake River mainstem
Palouse River (Whitman County) (below the falls)
Tucannon River (Columbia/Garfield counties)

Yakima River (Benton/Yakima/Kittitas counties) mouth to 400 feet below Prosser Dam and Sunnyside (Parker) Dam to Roza Dam
Wenatchee River mouth to Lake Wenatchee (including Lake Jolanda)
Chelan River (Chelan County) mouth (railroad bridge) to Chelan PUD safety barrier below the powerhouse
Icicle River (Chelan County) mouth to Leland Creek
Lake Wenatchee (Chelan County)
Entiat River (Chelan County) mouth to Entiat Falls
Methow River (Okanogan County) mouth to Foghorn Dam
Okanogan River (Okanogan County)
Lake Osoyoos (Okanogan County)
Similkameen River (Okanogan County) mouth to Enloe Dam

AMENDATORY SECTION (Amending Order 06-67, filed 4/11/06, effective 5/12/06)

WAC 220-56-270 Smelt--Areas and seasons. (1) ((~~Smelt~~)) Unlawful to fish for or possess Columbia River smelt or eulachon (*Thaleichthys pacificus*).

(2) Fishing for smelt other than Columbia River smelt or eulachon (*Thaleichthys pacificus*) is permitted the entire year on Pacific Ocean beaches and in all rivers concurrent with a salmon or gamefish opening, except closed in the Columbia River and tributaries.

((~~(2) Smelt~~)) (3) Fishing for smelt other than Columbia River smelt or eulachon (*Thaleichthys pacificus*) is open in Puget Sound and the Strait of Juan de Fuca the entire year except closed weekly from 8:00 a.m. Wednesday to 8:00 a.m. Friday for all types of gear except forage fish jigger gear and closed year-round in Catch Record Card Area 12. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

((~~(3)~~)) (4) It is unlawful to possess smelt taken with gear in violation of the provisions of this section. Possession of smelt while using gear in violation of the provisions of this section is a rebuttable presumption that the smelt were taken with such gear. Possession of such smelt is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree--Penalty, unless the smelt are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree--Penalty.

AMENDATORY SECTION (Amending Order 10-64, filed 3/19/10, effective 5/1/10)

WAC 220-56-240 Daily limits forage fish and other food fish not otherwise provided for. It is unlawful for any person to retain more than the following quantities and sizes of food fish taken for personal use. Unless otherwise provided, other food fish fishing is open the entire year:

(1) Forage fish: 10 pounds in the aggregate. The possession limit is two daily limits in fresh form. Additional forage fish may be possessed in frozen or processed form.

(2) Shiner perch: Daily limit 15 fish.

(3) All other marine food fish not otherwise provided for in this chapter except albacore, yellowfin, skipjack, and northern bluefin tuna and all mackerel: Daily limit two fish.