



RULE-MAKING ORDER

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

Agency: Washington Department of Fish and Wildlife

Emergency Rule Only

Effective date of rule:

Emergency Rules 11-71

- Immediately upon filing.
- Later (specify) May 1, 2011

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: Amend personal use fishing rules

Citation of existing rules affected by this order:

Repealed:

Amended: WAC 220-55-160, WAC 220-55-220, WAC 220-55-230, WAC 220-56-240, WAC 220-56-270, WAC 232-28-619

Suspended:

Statutory authority for adoption: RCW 77.12.047 and RCW 77.04.020

Other authority :

EMERGENCY RULE

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.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, or 2011, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: The Department is in the process of adopting permanent rules that are necessary to implement the recreational fishing seasons, limits and other regulations. These emergency rules are interim until the permanent rules take effect.

Date adopted: April 28, 2011

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 28, 2011

TIME: 2:36 PM

WSR 11-10-047

**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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____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	_____
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The number of sections adopted in the agency's own initiative:

New	<u>6</u>	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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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	_____

NEW SECTION

WAC 220-55-16000B Free fishing weekend.

Notwithstanding the provisions of WAC 220-55-160, during Free Fishing Weekend, anglers may fish with two poles in 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.

NEW SECTION

WAC 220-55-22000A Two pole endorsement.

Notwithstanding the provisions of WAC 220-55-220, it is unlawful for anglers who are in possession of a valid two-pole endorsement to fish with two lines in the following waters:

Swift Reservoir - From dam to markers approximately 3/8 mile below Eagle Cliff Bridge to bridge.

NEW SECTION

WAC 220-55-23000C Columbia River endorsement.

Notwithstanding the provisions of WAC 220-55-230, 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 Rd.

Elochoman River (Wahkiakum County) mouth to mouth of West Fork

Mill Creek (Cowlitz/Wahkiakum County)

Abernathy Creek (Cowlitz County) – mouth to Abernathy Falls

Germany Creek (Cowlitz County) – mouth to end of Germany Creek Rd.

Coal Creek (Cowlitz County) - mouth to 400 feet below falls

Cowlitz River (Cowlitz County) - mouth to mouth of Ohanepecosh and Muddy forks

Blue Creek- mouth to Spencer Rd.

Lacamas Creek (Lewis County)

Mill Creek (Lewis County) – 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

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

Kalama River (Cowlitz County) - mouth to Kalama Falls

Gobar Creek

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 NE

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 Hwy 14 Bridge at the upstream end of Lady Island)

Drano Lake (Skamania County) – (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)

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) - mouth to the base of Palouse Falls

Tucannon River (Columbia/Garfield counties)

Yakima River (Benton/Yakima/Kittitas counties) - mouth to 400' below Prosser Dam and Sunnyside (Parker) Dam- 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

NEW SECTION

WAC 220-56-24000G Daily limits forage fish and other food fish not otherwise provided for.

Notwithstanding the provisions of WAC 220-56-240, the daily limit for Shiner perch is 15 fish in all marine waters.

NEW SECTION

WAC 220-56-27000J Smelt—Areas and seasons.

(1) Notwithstanding the provisions of WAC 220-56-270, it is unlawful to fish for or possess Columbia River smelt or eulachon (*Thaleichthys pacificus*).

(2) Fishing for smelt other than Columbia River smelt (eulachon) 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.

(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.

NEW SECTION

WAC 232-28-61900B Exceptions to statewide rules.

Notwithstanding the provisions of WAC 232-28-619, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

(1) Capitol Lake (Thurston County); Closed to all fishing.

(2) Columbia River - Closed to fishing for sturgeon from May 1 through July 31, 2011, from the boundary marker on the river bank 400 feet downstream from the Priest Rapids Hatchery outlet channel (Jackson Creek) to Priest Rapids Dam.

EMERGENCY RULE ONLY

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(x) 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.

(x) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

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(11-71, 4/28/2011)

