



# 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 11-114**

- Immediately upon filing.
- Later (specify) June 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Repealed:  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 232-28-619, WAC 232-28-620, and WAC 232-28-621  
 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 for this finding: The Department is in the process of adopting permanent rules that are necessary to implement the personal use fishing plans agreed to with resource co-managers at the North of Falcon proceedings. These emergency rules are necessary to comply with agreed-to management plans and are interim until permanent rules take effect.

**Date adopted:** May 31, 2011

**NAME (TYPE OR PRINT)**  
Philip Anderson

**SIGNATURE**

**TITLE**  
Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: May 31, 2011**  
**TIME: 4:16 PM**

**WSR 11-12-080**

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	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>3</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:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

## NEW SECTION

**WAC 232-28-61900G Freshwater Exceptions to Statewide Rules – 2011 North of Falcon**

Notwithstanding the provisions of WAC 232-28-619, effective June 1, 2011, until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

- (1) Beaver Creek (Thurston County) and all tributaries west of I-5:** Open the first Saturday in June until further notice. Selective gear rules, night closure, and anti-snagging rules are in effect. Trout: Minimum length is 14 inches.
- (2) Black River (Thurston County) from mouth to Highway 12:** Open the first Saturday in June until further notice. Selective gear rules. Trout: Minimum length is 14 inches.
- (3) Black River (Thurston County) from Highway 12 to bridge on 128<sup>th</sup> Ave SW:** Open the first Saturday in June until further notice. Night closure and anti-snagging rules are in effect. Single-point hooks required. Trout: Minimum length is 14 inches.
- (4) Black River (Thurston County) from bridge on 128th Ave SW to Black Lake, and including all tributaries west of I-5, including Waddell Creek, Dempsey Creek, Salmon Creek, and Blooms Ditch:** Open the first Saturday in June until further notice. Selective gear rules are in effect. Trout: Minimum length is 14 inches.
- (5) Cloquallum Creek (Grays Harbor County):** From mouth to the outlet of Stump Lake: Open the first Saturday in June until further notice. Trout: Minimum length is fourteen inches.
- (6) Mima Creek (Thurston County) and all tributaries west of I-5:** Open the first Saturday in June until further notice. Selective gear rules, night closure, and anti-snagging rules are in effect. Trout: Minimum length is 14 inches.
- (7) Nooksack River (Whatcom County), from mouth to forks:** Salmon: Open July 16, 2011, until further notice, from the Lummi Indian Reservation boundary to the Highway 544 Bridge at Everson. Daily limit 4 pink salmon only. Bait is prohibited. Only a single-point hook may be used, and the hook must measure less than ½” from point to shank.
- (8) Samish River (Whatcom County):** Salmon: Closed.
- (9) Skagit River (Skagit/Whatcom counties):**
  - (a) From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek: Anti-snagging rule in effect from July 1, 2011, until further notice.
  - (b) From the Highway 530 Bridge at Rockport to the Cascade River Road: Open June 1, 2011, until further notice. Anti-snagging rule and night closure are in effect. Trout, except Dolly Varden/Bull Trout: Minimum length is fourteen inches. It is legal to retain Dolly Varden/Bull Trout as part of the trout daily limit; minimum length for Dolly Varden/Bull Trout is twenty inches. Salmon: Open June 1 through July 15, 2011. Daily limit is 4 hatchery Chinook salmon, of which only 2 may be adult hatchery Chinook.
  - (c) From Cascade River Road to the Gorge Powerhouse: Open June 1, 2011, until further notice. Selective gear rules are in effect. It is unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish, except that up to 2 hatchery steelhead may be retained per day.

## NEW SECTION

**WAC 232-28-62000D Coastal salmon—2011 North of Falcon.**

Notwithstanding the provisions of WAC 232-28-620, effective June 1, 2011, until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect. An area is open when a daily limit is provided:

**(1) Catch Record Card Area 1:**

- (a) June 1 through June 17, 2011 - Closed.
- (b) June 18 through June 25, 2011 - Daily limit of 2 salmon. Release coho and wild Chinook.
- (c) June 26, 2011, until further notice - Daily limit of 2 salmon, of which not more than one may be a Chinook salmon. Release wild coho.
- (d) Closed in the Columbia River Mouth Control Zone 1 during all open periods. See WAC 220-56-195.

**(2) Catch Record Card Area 2:**

- (a) June 1 through June 17, 2011 - Closed.
- (b) June 18 through June 25, 2011 - Daily limit of 2 salmon. Release coho and wild Chinook.
- (c) June 26, 2011, until further notice - Open Sundays through Thursdays only. Daily limit is 2 salmon, of which not more than one may be a Chinook salmon. Release wild coho.

**(3) Willapa Bay (Catch Record Card Area 2-1):**

- (a) June 1 through June 17, 2011 - Closed.
- (b) June 18 through July 31, 2011 - Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

**(4) Catch Record Card Area 3:**

- (a) June 1 through June 17, 2011 - Closed.
- (b) June 18 through June 25, 2011 - Daily limit of 2 salmon. Release coho and wild Chinook.
- (c) June 26, 2011, until further notice - Daily limit is 2 salmon plus 1 additional pink salmon. Only one may be a Chinook salmon. Release wild coho.

**(5) Catch Record Card Area 4:**

- (a) June 1 through June 17, 2011 - Closed.
- (b) June 18 through June 25, 2011 - Daily limit is 2 salmon. Release coho and wild Chinook. Waters east of a true north-south line through Sail Rock are closed.
- (c) June 26, 2011, until further notice - Daily limit is 2 salmon plus 1 additional pink salmon. Only one may be a Chinook salmon. Release wild coho. Waters east of a true north-south line through Sail Rock are closed June 26 through July 31, 2011.

## NEW SECTION

**WAC 232-28-62100K Puget Sound Salmon – 2011 North of Falcon**

Notwithstanding the provisions of WAC 232-28-621, WAC 220-56-128, and WAC 220-56-195, effective June 1, 2011, until further notice, it is unlawful to fish for salmon in Puget Sound except as provided for in this section, provided that unless otherwise amended, all permanent rules remain in effect.

An area is open when a daily limit is provided:

**(1) Catch Record Card Area 8-2:** June 1 through July 31, 2011 - Closed, except waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point: From June 3 through June 11, 2011, and June 13 through July 31, 2011, open only Friday through 11:59 a.m. Monday of each week. Daily limit is 2 salmon plus 2 additional pink salmon.

**(2) Catch Record Card Area 9:** From July 16, 2011, until further notice - Daily limit of 2 salmon plus 2 additional pink salmon. Release chum and wild Chinook. Closed south of a line from Foulweather Bluff to Olele Point, except it is lawful to fish from shore between the Hood Canal Bridge and the northern boundary of Salisbury Point Park. The daily limit is 2 salmon plus 2 additional pink salmon. Release Chinook and chum.

**(3) Catch Record Card Area 10:** Waters of Elliott Bay east of a line from West Point to Alki Point: Closed July 1, 2011, until further notice.

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**EMERGENCY RULE ONLY**

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( ) 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.

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**(11-114, 5/31/2011)**

