



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 11-160

- Immediately upon filing.
- Later (specify) August 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Repealed: WAC 232-28-61900G, WAC 232-28-62100K
 Amended: WAC 232-28-619, 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 that were agreed to with resource co-managers at the North of Falcon proceedings. These emergency rules are necessary to comply with agreed-upon management plans, and are interim until permanent rules take effect.

Date adopted: July 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: July 28, 2011

TIME: 2:26 PM

WSR 11-16-051

**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>2</u>	Amended	_____	Repealed	<u>2</u>
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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 232-28-61900Y Washington food fish and game fish--Freshwater exceptions to statewide rules.

Notwithstanding the provisions of WAC 232-28-619, effective August 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) **Beaver Creek (Thurston County) and all tributaries west of I-5:** Open immediately until further notice. Selective gear rules, night closure, and anti-snagging rules are in effect. Trout: Minimum length 14 inches.
- 2) **Black River (Thurston County) from Highway 12 to bridge on 128th Ave SW:** Night closure and anti-snagging rules are in effect. Single-point hooks required. Salmon: Open October 1 until further notice. Daily limit, 6 fish, of which only 2 may be adults. Release Chinook and chum.
- 3) **Canon River (Pacific County):** Unlawful to fish from a floating device equipped with an internal combustion motor; and selective gear rules apply.
- 4) **Chehalis River (Grays Harbor County), from Porter Bridge to high bridge on Weyerhaeuser 1000 line:** Salmon: Open October 16 until further notice. Daily limit, 6 fish, of which no more than 2 may be adult salmon. Release Chinook and chum.
- 5) **Cloquallum Creek (Grays Harbor County), from the mouth to the outlet of Stump Lake:** Open immediately until further notice. Trout: Minimum length 14 inches.
- 6) **Elwha River (Clallam County):** From downstream side of bridge on Elwha River Rd. to two hundred feet downstream of the south spillway on Elwha (Aldwell Lake) Dam: Closed waters.
- 7) **Green (Duwamish) River (King County):**
 - a) From the First Avenue South Bridge to the Interstate 405 Bridge: Open August 20 until further notice, with the following restrictions: August 20 through August 31: Night closure, anti-snagging rule, bait prohibited, and only 1 single-point hook may be used. Hook must measure less than 1/2 inch from point to shank. September 1 until further notice: night closure and anti-snagging rule in effect. Salmon: Open August 20 until further notice. Daily limit, 6 salmon, no more than 3 of which may be any combination of adult coho and adult chum. Release Chinook.
 - b) From the Interstate 405 Bridge to South 277th Street Bridge in Auburn: September 1 until further notice: anti-snagging rule in effect.
 - c) From the 277th Street Bridge to Auburn-Black Diamond Road Bridge: September 16 until further notice: anti-snagging rule in effect.
- 8) **Hoh River (Jefferson County), from DNR Oxbow Campground Boat Launch to Morgan's Crossing boat launch site:** Open immediately until further notice. Trout: Minimum length 14 inches.
- 9) **Hoquiam River, including all forks (Grays Harbor County):** Salmon: Open October 1 until further notice from the mouth to Dekay Road Bridge (West Fork) on mainstem. Daily limit, 6 fish, of which no more than 2 may be adult salmon; and of the 2 adult salmon, only 1 may be a wild coho. Release chum and Chinook. Open October 1 until further notice on East Fork from the mouth to the mouth of Berryman Creek. Daily limit, 6 fish, of which no more than 2 may be adult salmon. Release chum, Chinook, and wild coho.

- 10) **Johns River (Grays Harbor County):** Mouth to Ballon Creek: Salmon: Open October 1 until further notice. Daily limit 2 fish, of which 1 may be wild coho. Release chum and Chinook.
- 11) **Mima Creek (Thurston County) and all tributaries west of I-5:** Open immediately until further notice. Selective gear rules, night closure and anti-snagging rules are in effect. Trout: Minimum length 14 inches.
- 12) **Naselle River (Pacific/Wahkiakum counties), from Highway 101 Bridge upstream including all forks:** Waters from the temporary hatchery weir downstream to Highway 4 are closed when weir is installed. From the Highway 101 Bridge to the North Fork: Night closure and anti-snagging rules. From the mouth of South Fork upstream: stationary gear restriction. Salmon: Open immediately until further notice from Highway 101 Bridge to Highway 4 Bridge, and beginning September 1 until further notice from the Highway 4 Bridge to the Crown Main Line Bridge. Daily limit, 6 fish, of which no more than 3 may be adult salmon; and of these 3 adult fish, no more than 2 may be wild adult coho. Release chum and wild Chinook.
- 13) **Nemah River, North Fork (Pacific County):**
 - a) From the Highway 101 Bridge upstream to bridge on Nemah Valley Road: Night closure, stationary gear restriction, and single-point barbless hooks required September 1 until further notice. Salmon: Open September 1 until further notice. Daily limit, 6 salmon of which only 3 may be adult salmon. Release chum, wild coho, and wild Chinook.
 - b) From Nemah Valley Road upstream to Nemah Hatchery: closed waters, effective immediately until further notice.
- 14) **Nemah River, South Fork (Pacific County):**

From the mouth upstream to confluence with Middle Fork Nemah River: Night closure and single-point barbless hooks required, beginning September 1 until further notice. Salmon: Open September 1 until further notice. Daily limit, 6 salmon of which only 2 may be adult salmon. Release chum, wild coho, and wild Chinook.
- 15) **Newaukum River, main river and South Fork upstream to Highway 508 Bridge near Kearny Creek (Lewis County):** Salmon: Open October 16 until further notice from the mouth to Leonard Road. Daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum and Chinook.
- 16) **Nisqually River (Pierce County), from the mouth to Military Tank Crossing Bridge:** Barbless hooks required.
- 17) **Nooksack River (Whatcom County), from mouth to forks:**
 - c) From the Lummi Indian Reservation boundary to Highway 544 Bridge at Everson. Salmon: Open immediately through August 31. Daily limit, 4 pink salmon only. Bait prohibited. Only one single-point hook may be used, and hook must measure less than 1/2" from point to shank.
 - d) From the Lummi Indian Reservation boundary to yellow marker at the FFA High School barn in Deming: Open September 1 until further notice. Daily limit, 2 salmon, plus 2 additional coho, except release wild Chinook from September 1 through September 30.
 - e) From the FFA barn to confluence of the North and South Forks: Open October 1 until further notice. Daily limit 2 salmon, plus 2 additional coho.

- 18) **Nooksack River, North Fork (Whatcom County): From mouth to Nooksack Falls:** Salmon: Open October 1 until further notice from mouth to Maple Creek. Daily limit, 2 salmon plus 2 additional coho.
- 19) **Nooksack River, South Fork (Skagit/Whatcom counties): From mouth to Skookum Creek:** Salmon: Open October 1 until further notice. Daily limit, 2 salmon, plus 2 additional coho. Release chum.
- 20) **North River (Grays Harbor/Pacific counties), from Salmon Creek upstream to Fall River:** Salmon: Open October 1 until further notice. Daily limit, 6 fish, of which no more than 2 may be adult salmon. Release chum and wild Chinook.
- 21) **Puyallup River (Pierce County):**
- a) From the mouth to city of Puyallup outfall structure near junction of Freeman Road and North Levee Road. Salmon: Open August 16 until further notice, except closed August 28 and 29 and September 4, 5, 6, 11, 12, and 13.
 - b) From the city of Puyallup outfall structure near junction of Freeman Road and North Levee Road to the Carbon River: Game fish season is open only when salmon fishing is open. Single-point barbless hooks, anti-snagging rule and night closure in effect from August 1 until further notice. Trout: Minimum length 14 inches. Salmon: Open immediately until further notice. Daily limit 6 fish, of which no more than 4 may be adult salmon; and of the adult salmon, no more than 2 may be any combination of Chinook, coho, and chum. Release wild adult Chinook.
 - c) From the Carbon River upstream: Open September 1 until further notice. Selective gear rules; and release all fish, except that up to 2 hatchery steelhead may be retained.
- 22) **Salt Creek (Clallam County): From mouth to bridge on Highway 112:** Open immediately until further notice. Selective gear rules are in effect.
- 23) **Samish River (Whatcom County):**
- a) From the mouth to the I-5 Bridge: Single-point hooks required immediately until further notice. Salmon: open immediately until further notice. Daily limit 2 salmon. Release wild coho. Only fish hooked inside the mouth may be retained. Anglers must retain the first 2 salmon, if lawful to do so, and stop fishing.
 - b) From the I-5 Bridge to old Highway 99 Bridge: Closed waters September 1 until further notice.
- 24) **Satsop River (Grays Harbor County):**
- a) From the mouth to the bridge at Schafer Park: Salmon: Open October 1 until further notice. Daily limit, 6 fish, of which no more than 2 may be adult salmon; and of the 2 adult salmon, only one may be a wild coho. Release chum and Chinook.
 - b) From 400 feet downstream of Bingham Creek Hatchery barrier dam, upstream to dam: Closed waters, except anglers who permanently use a wheelchair or have a designated harvester card may fish within posted markers. Open immediately until further notice. Salmon: Open October 1 until further notice. Daily limit, 6 fish, of which no more than 2 may be adult salmon; and of the 2 adult salmon, only one may be a wild coho. Release chum and Chinook.

25) **Skagit River (Skagit/Whatcom counties):**

- a) From the mouth to Gilligan Creek: Anti-snagging rule in effect immediately until further notice. Salmon: open immediately until further notice. Daily limit, 3 salmon, plus 1 additional pink. Release Chinook and chum.
- b) From Gilligan Creek to the Dalles Bridge at Concrete: Salmon: Open August 16 until further notice. Daily limit, 3 salmon, plus 1 additional pink. Release Chinook and chum.
- c) From the Dalles Bridge at Concrete to the Cascade River Road: Open immediately until further notice season. Anti-snagging rule and night closure. Trout except Dolly Varden/Bull Trout: Minimum length 14 inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit; minimum length 20 inches. Salmon: Open September 16 until further notice. Daily limit, 3 salmon, plus 1 additional pink. Release Chinook and chum.
- d) From Cascade River Road to Gorge Powerhouse: Open immediately until further notice. Unlawful to fish from a floating device equipped with an internal combustion motor; and selective gear rules apply. All species: Release all fish, except that up to 2 hatchery steelhead may be retained per day.

26) **Skokomish River (Mason County),** From Highway 106 Bridge to Highway 101 Bridge: Salmon: Open immediately until further notice, except closed August 1, 8, 9, 15, 16, 22, 23, 29, and 30, and September 6.

27) **Skookumchuck River (Thurston County):**

From the mouth to one hundred feet below the outlet of the Trans Alta steelhead rearing pond located at the base of the Skookumchuck Dam: Salmon: Open October 16 until further notice. Daily limit, 6 fish, of which no more than 2 may be adult salmon; and of the adult salmon, only 1 may be wild adult coho. Release chum and Chinook.

28) **Skykomish River (Snohomish County):**

From the mouth to the forks: Salmon: Open August 16 until further notice from the mouth to Lewis Street Bridge in Monroe; and open September 1 until further notice from the Lewis Street Bridge to the forks. Daily limit, 3 salmon, plus 1 additional pink. Release Chinook and chum.

29) **Smith Creek (near North River) (Pacific County):** Salmon: Open September 1 until further notice from the mouth to the Highway 101 Bridge. Daily limit, 6 fish, of which no more than 2 may be adult salmon; and of those 2 adult salmon, only 1 may be wild adult coho. Release chum and wild Chinook.

30) **Snohomish River (Snohomish County),** including all channels, sloughs, and interconnected waterways, but excluding all tributaries: Salmon: Open August 16 until further notice. Daily limit, 3 salmon, plus 1 additional pink. Release Chinook and chum.

31) **Snoqualmie River (King County):** From the mouth to Plum access: Salmon: Open September 1 until further notice. Daily limit 3 salmon, plus 1 additional pink. Release Chinook and chum.

32) **Stillaguamish River (Snohomish County):** From the mouth to the forks, including all sloughs: Salmon: Open September 1 until further notice. Daily limit, 2 salmon, plus 2 additional pink. Release Chinook and chum.

- 33) **Tahuya River (Mason County)** from the marker approximately one mile upstream of North Shore Road Bridge upstream: Open immediately through August 15, and from October 1 until further notice. Selective gear rules; unlawful to fish from a floating device equipped with an internal combustion motor. Release all fish. Night closure beginning October 1 until further notice.
- 34) **Willapa River (Pacific County):**
- a) From the mouth to Highway 6 Bridge: Effective immediately until further notice, fishing from a floating device prohibited from second bridge on Camp One Road upstream approximately 0.5 miles to mouth of Mill Creek.
 - b) South Fork: Open immediately until further notice. Effective immediately until further notice, selective gear rules, and unlawful to fish from a floating device equipped with an internal combustion motor. Anti-snagging rule and night closure in effect beginning August 1 until further notice from the mouth to the Pehl Road Bridge. Closed waters: From falls/fish ladder in Sec. 6, T13N, R8W, downstream 400 feet. All species: Release all fish, except up to 2 hatchery steelhead may be retained. Salmon: Open August 1 until further notice from the mouth to Pehl Road Bridge. Daily limit, 6 fish, of which no more than 3 may be adult salmon. Release chum, wild Chinook and wild coho.
- 35) **Wishkah River (Grays Harbor County), mouth to the mouth of the West Fork:** Salmon: Open October 1 until further notice. Daily limit, 6 fish, of which no more than 2 may be adult salmon; and of the 2 adult salmon, only one may be a wild coho. Release chum and Chinook.

NEW SECTION

WAC 232-28-62100L Puget Sound salmon--Saltwater seasons and daily limits.

Notwithstanding the provisions of WAC 232-28-621, WAC 220-56-128, and WAC 220-56-195, effective August 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) **Catch Record Card Area 5:**
 - a) Open August 16 through September 18. Daily limit, 2 salmon, plus 2 additional pink salmon may be retained as part of the daily limit. Release chum, Chinook and wild coho.
 - b) Open September 19 through September 30. Daily limit, 2 salmon. Release chum and Chinook.
 - c) October 1 until further notice – Closed waters.
- 2) **Catch Record Card Area 7:** October 1 until further notice: Daily limit, 2 salmon, of which no more than 1 may be a Chinook salmon. Release wild coho.
- 3) **Catch Record Card Area 8-1:** Open October 1 until further notice. Daily limit, 2 salmon. Release Chinook.

- 4) **Catch Record Card Area 8-2:**
- a) Effective immediately through September 30.
 - (i) 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 – Open immediately through September 5, and open only from Friday through 11:59 a.m. Monday of each week; and September 10 through September 25, open only Saturday and Sunday of each week - Daily limit, 2 salmon, plus 2 additional pink salmon may be retained as part of the daily limit. September 26 through September 30 - Same rules as remainder of Area 8-2.
 - (ii) All other waters of Area 8-2 – Open. Daily limit, 2 salmon, plus 2 additional pink salmon may be retained as part of the daily limit. Release Chinook.
 - b) Open October 1 until further notice. Daily limit, 2 salmon. Release Chinook. However, closed to salmon fishing in waters north of a line from Camano Head to the fishing boundary marker located approximately 1.4 miles north of Hermosa Point.
- 5) **Catch Record Card Area 9:** Effective immediately through August 31: Closed waters south of a line from Foulweather Bluff to Olele Point, except lawful to fish from shore between the Hood Canal Bridge and the northern boundary of Salsbury Point Park. Daily limit, 2 salmon, plus 2 additional pink salmon may be retained as part of the daily limit. Release Chinook and chum.
- 6) **Catch Record Card Area 10:** Effective immediately through August 31, waters of Elliott Bay east of a line from West Point to Alki Point – Closed, except that waters west of the Spokane Street Bridge are open August 19 through August 21, and August 26 through August 28. Daily limit 2 salmon, plus 2 additional pink salmon may be retained as part of the daily limit. Release Chinook and chum. Bait prohibited. Hooks must measure ½” or less from point to shank.
- 7) **Catch Record Card Area 12:** August 16 until further notice, waters north of a line true east from Broad Spit – Closed waters.

REPEALERS

The following sections of the Washington Administrative Code are repealed effective August 1, 2011:

WAC 232-28-61900G Freshwater exceptions to statewide rules—2011 North of Falcon. (11-114)

WAC 232-28-62100K Puget Sound Salmon—2011 North of Falcon. (11-114)