



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Washington Department of Fish and Wildlife

Emergency Rule Only

Effective date of rule:

Emergency Rules 11-278

- Immediately upon filing.
- Later (specify) _____

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

- Yes
 - No
- If Yes, explain:

Purpose: Amend recreational fishing rules

Citation of existing rules affected by this order:

Repealed: WAC 232-28-61900E, WAC 232-28-61900R, WAC 232-28-62000K, WAC 232-28-62000L,
WAC 232-28-62100M, WAC 232-28-62100N

Amended: WAC 232-28-619, WAC 232-28-620, 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 year 2009, 2010, 2011, 2012, or 2013, 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 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: October 13, 2011

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 13, 2011

TIME: 3:39 PM

WSR 11-21-055

**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>3</u>	Amended	_____	Repealed	<u>6</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 232-28-61900R Washington food fish and game fish--Freshwater 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. An area is open when a daily limit is provided:

- 1) **Beaver Creek (Thurston County) and all tributaries west of I-5:** Open immediately through October 31. Selective gear rules, night closure, and anti-snagging rules 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 immediately until further notice. Daily limit 6 fish, of which only 2 may be adults. Release Chinook and chum.
- 3) **Chehalis River (Grays Harbor County), from Porter Bridge to high bridge on Weyerhaeuser 1000 line:** Salmon: Closed through October 15.
- 4) **Cloquallum Creek (Grays Harbor County) from mouth to the outlet of Stump Lake:** Open immediately until further notice. Trout: Minimum length 14 inches.
- 5) **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.
- 6) **Green (Duwamish) River (King County) from the 277th Street Bridge to Auburn-Black Diamond Road Bridge:** Effective immediately until further notice, anti-snagging rule in effect.
- 7) **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.
- 8) **Hoquiam River, including all forks (Grays Harbor County):** Salmon: Open immediately until further notice from 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 immediately until further notice on East Fork from mouth to mouth of Berryman Creek. Daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum, Chinook, and wild coho.
- 9) **Johns River (Grays Harbor County) from mouth to Ballon Creek:** Salmon: Open immediately until further notice. Daily limit 2 fish, of which 1 may be wild coho. Release chum and Chinook.
- 10) **Mima Creek (Thurston County) and all tributaries west of I-5:** Open immediately through October 31. Selective gear rules, night closure and anti-snagging rules are in effect. Trout: Minimum length 14 inches.

- 11) **Naselle River (Pacific/Wahkiakum counties), from Highway 101 Bridge upstream to the Crown Main Line Bridge:** Closed waters: from temporary hatchery weir downstream to Highway 4 when weir is installed. Salmon: Open immediately until further notice. 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.
- 12) **Nemah River, North Fork (Pacific County):** From Nemah Valley Road upstream to Nemah Hatchery: Closed.
- 13) **Newaukum River, (Lewis County):** Salmon: Closed through October 15.
- 14) **Nisqually River (Pierce County), from mouth to Military Tank Crossing Bridge:** Barbless hooks required.
- 15) **Nooksack River (Whatcom County), from Lummi Indian Reservation boundary to forks:** Salmon: Open immediately until further notice. Daily limit 2 salmon, plus 2 additional coho.
- 16) **Nooksack River, North Fork (Whatcom County): From mouth to Nooksack Falls:** Salmon: Open immediately until further notice from mouth to Maple Creek only. Daily limit 2, plus 2 additional coho.
- 17) **Nooksack River, South Fork (Skagit/Whatcom counties): From mouth to Skookum Creek:** Salmon: Open immediately until further notice. Daily limit 2 salmon, plus 2 additional coho. Release chum.
- 18) **North River (Grays Harbor/Pacific counties) from Highway 105 Bridge to Fall River:** Salmon: Open immediately until further notice. Daily limit 6 fish, of which no more than 2 may be adult salmon. Release chum and wild Chinook.
- 19) **Canon River (Pacific County):** Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.
- 20) **Puyallup River (Pierce County):**
 - a) From 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 rules and night closure in effect immediately 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.
 - b) From Carbon River upstream: Open immediately until further notice. Selective gear rules apply, and release all fish, except that up to 2 hatchery steelhead may be retained.

- 21) **Samish River (Whatcom County):**
- a) From 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 I-5 Bridge to old Highway 99 Bridge: Closed waters until further notice.
- 22) **Satsop River (Grays Harbor County) from mouth to bridge at Schafer Park:** Salmon: Open immediately until further notice. 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.
- 23) **Skagit River (Skagit/Whatcom counties):**
- a) From mouth to Cascade River Road: Salmon: Open immediately until further notice. Daily limit 3 salmon plus 1 additional pink. Release Chinook and chum.
 - b) From the Dalles Bridge at Concrete to the Cascade River Road: Open immediately until further notice: Anti-snagging rules and night closure in effect. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit; minimum length 20 inches.
- 24) **Skookumchuck River (Thurston County) from mouth to one hundred feet below the outlet of the Trans Alta steelhead rearing pond located at the base of the Skookumchuck Dam:** Salmon: Closed through October 15.
- 25) **Skykomish River (Snohomish County) from mouth to mouth of Wallace River:** Salmon: Open immediately until further notice. Daily limit 3 salmon, plus 1 additional pink. Release Chinook and chum.
- 26) **Smith Creek (near North River) (Pacific County):** Salmon: Open immediately until further notice from mouth to Highway 101 Bridge. Daily limit 6 fish, of which no more than 2 may be adult salmon, and of those 2 adult salmon, 1 may be wild adult coho. Release chum and wild Chinook.
- 27) **Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries:** Salmon: Open immediately until further notice. Daily limit 3 salmon plus 1 additional pink. Release Chinook and chum.
- 28) **Snoqualmie River (King County) from mouth to falls:** Salmon: Open immediately until further notice. From mouth to Plum access, daily limit 3 salmon plus 1 additional pink. Release Chinook and chum. From Plum access to falls, daily limit 3 coho only.
- 29) **Stillaguamish River (Snohomish County) from mouth to the forks, including all sloughs:** Salmon: Open immediately until further notice. Daily limit 2 salmon, plus 2 additional pink. Release Chinook and chum.
- 30) **Tahuya River (Mason County) from marker approximately one mile upstream of North Shore Road Bridge upstream:** Night closure through October 31. Unlawful to fish from a floating device equipped with an internal combustion motor, and release all fish.

31) Willapa River (Pacific County):

- a) 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: Anti-snagging rule and night closure effective immediately until further notice from mouth to Pehl Road Bridge. Closed waters: From falls/fish ladder in Sec. 6, T13N, R8W, downstream 400 feet. Salmon: Open immediately until further notice from 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.

32) Wishkah River (Grays Harbor County), including all forks: Salmon: Open immediately until further notice. 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.

NEW SECTION

WAC 232-28-62000L Coastal salmon--Saltwater seasons and daily limits.

Notwithstanding the provisions of WAC 232-28-620, WAC 220-56-128, and WAC 220-56-195, effective immediately 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 2-1:** Salmon: Open immediately until further notice. Daily limit 6 salmon, of which not more than 3 may be adult salmon. Release chum and wild Chinook.
- 2) **Catch Record Card Area 2-2:** Salmon: Open immediately until further notice. Daily limit 2. Release chum and Chinook.
 - a) **Westport Boat Basin:** Salmon: Open immediately until further notice. Daily limit 6 salmon, of which not more than 4 may be adult salmon. Release wild Chinook.

NEW SECTION

WAC 232-28-62100N 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 immediately 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 7:** Effective immediately through October 31: Release wild coho.
 - a) Effective immediately through October 15: Closed Waters east of a line from Gooseberry Pt. to Sandy Pt.
- 2) **Catch Record Card Area 8-1:** Effective immediately through October 31: Salmon: Open. Daily limit 2 salmon. Release Chinook.

- 3) **Catch Record Card Area 8-2:** Effective immediately through October 31: Salmon: Open. 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.
- 4) **Catch Record Card Area 12:** Effective immediately 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:

- WAC 232-28-61900E Freshwater exceptions to statewide rules—2011 North of Falcon. (11-168)
 WAC 232-28-62000K Coastal Salmon—2011 North of Falcon. (11-238)
 WAC 232-28-62100M Puget Sound Salmon—2011 North of Falcon. (11-223)

The following sections of the Washington Administrative Code are repealed effective 12:01 a.m. November 11, 2011:

- WAC 232-28-61900R Freshwater exceptions to statewide rules—2011 North of Falcon.
 WAC 232-28-62000L Coastal Salmon—2011 North of Falcon.
 WAC 232-28-62100N Puget Sound Salmon—2011 North of Falcon.

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

(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.

() 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 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.

(11-278, 10/13/2011)