



# 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 11-279**

- 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Repealed: WAC 232-28-61900Y  
 Amended: 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 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 upon with resource co-managers at the 2011 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: 4:46 PM**

**WSR 11-21-057**

**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>1</u>	Amended	_____	Repealed	<u>1</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:**

<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 232-28-61900Y 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:

1. **Cowlitz River (Cowlitz/Lewis Co.):**
  - a) **From the mouth to Mayfield Dam:** Effective immediately until further notice, daily limit is 6 salmon, of which no more than 2 adult Chinook may be retained. Only hatchery Chinook and hatchery coho may be retained.
  - b) **From Mill Creek to the Hatchery Barrier Dam:** Effective immediately until further notice, anti-snagging rule and night closure are in effect. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.
  - c) **From the posted PUD sign on Peters Road to the mouth of Ohanapecosh River and the mouth of Muddy Fork:** Anti-snagging rules and night closure are in effect immediately through October 31, 2011, for all species. When anti-snagging rule is in effect, only fish hooked in the mouth may be retained.
2. **Delemeter Creek (Cowlitz Co.):** Effective immediately until further notice, closed waters from 400' below to 200' above the temporary weirs when temporary weirs are installed.
3. **Elochoman River (Wahkiakum Co.):** Effective immediately until further notice, closed waters from 200' above the Dept. of Fish and Wildlife temporary weir downstream to Foster (Risk) Road Bridge while weir is installed in the river.
4. **Grays River (Wahkiakum Co.):**
  - a) From the mouth to the South Fork: Effective immediately, closed waters from 400' below to 200' above the temporary weir while the weir is installed in the river.
  - b) From the mouth to Highway 4 Bridge: Open immediately until further notice, anti-snagging rule, night closure and stationary gear restriction are in effect. Salmon: Open immediately until further notice. Daily limit 6 salmon, of which no more than 2 may be adult Chinook. Release chum, wild coho, and unmarked Chinook.
5. **Grays River, West Fork (Wahkiakum Co.), downstream from hatchery intake/footbridge:**
  - a) Closed waters from posted markers approximately 300 yards below the hatchery road bridge downstream to the mouth, October 16 until further notice.
  - b) Open immediately until further notice. Release all fish, except up to 2 hatchery steelhead may be retained per day. Anti-snagging rule, night closure and stationary gear restriction are in effect. Salmon: Open immediately until further notice. Daily limit 6 salmon, of which no more than 2 may be adult Chinook. Release chum, wild coho, and unmarked Chinook.
6. **Kalama River (Cowlitz Co.) from boundary markers at mouth to Railroad Bridge below I-5:** Effective immediately through October 31, night closure, anti-snagging, and stationary gear rules are rescinded.

7. **Lewis River (Clark Co.) from mouth to forks:** Effective immediately until further notice, daily limit 6 salmon, of which no more than 2 may be adult Chinook. Release all salmon except Chinook and hatchery coho.
8. **Lewis River, North Fork (Clark/Cowlitz counties) from mouth to Colvin Creek:**
  - a) Effective immediately until further notice, anglers may fish from any floating device from Johnson Creek to Colvin Creek.
  - b) Effective immediately until further notice, daily limit 6 salmon, of which no more than 2 adult Chinook may be retained. Release all salmon except Chinook and hatchery coho.
9. **Olequa Creek (Cowlitz Co.):** Effective immediately until further notice, closed waters from 400' below to 200' above temporary weirs when temporary weirs are installed.
10. **Salmon Creek (Lewis Co.):** Effective immediately until further notice, closed waters from 400' below to 200' above temporary weirs when temporary weirs are installed.
11. **Tilton River (Lewis Co.) from the mouth to the West Fork:** Night closure and anti-snagging rules in effect immediately through October 31, 2011. When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.
12. **White Salmon River (Klickitat/Skamania Co.) from mouth to Hwy. 14 Bridge:** Effective immediately until further notice, the daily limit follows the most liberal regulations of the adjacent mainstem Columbia or White Salmon Rivers when both areas are open concurrently for salmon.
13. **Wind River (Skamania Co.) from mouth to Hwy. 14 Bridge:** Effective immediately until further notice, the daily limit follows the most liberal regulations of the adjacent mainstem Columbia or Wind Rivers when both areas are open concurrently for salmon.

#### REPEALER

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

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

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#### 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.

( ) 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 upon 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.

**(11-279, 10/13/2011)**