



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 12-74

- 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Repealed:
 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: These regulations are needed to implement Commission actions taken in February 2012. There is insufficient time to adopt permanent rules.

Date adopted: May 14, 2012

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 14, 2012

TIME: 1:55 PM

WSR 12-11-051

**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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____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>1</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 232-28-61900H Freshwater exceptions to statewide rules.

Notwithstanding the provisions of WAC 232-28-619, 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. **Rivers, streams, and beaver ponds that drain into the Pacific Ocean (excluding the Columbia River):** Closed to fishing unless listed as open.
2. **Ahtanum Creek, including North and Middle Forks (Yakima Co.):** Permissible to fish from a floating device equipped with an internal combustion motor.
3. **Aldwell Lake (Clallam Co.):** Closed to fishing.
4. **Allen Creek (Thurston Co.):** Closed to fishing.
5. **Beaver Creek (Thurston Co.):**
 - a. **From mouth to I-5:** First Saturday in June until further notice: Anti-snagging rule rescinded.
 - b. **Upstream of I-5:** Closed waters.
 - c. **All tributaries:** Closed waters.
6. **Black River (Grays Harbor/Thurston Counties)**
 - a. **From Highway 12 to bridge on 128th Avenue SW:** Selective gear rules and single-point hook requirement rescinded. Barbless hooks required.
 - b. **All tributaries except Mima, Waddell, and Dempsey creeks, and those sections of Salmon and Beaver creeks and Blooms Ditch downstream of I-5:** Closed waters.
7. **Blooms Ditch (Thurston Co.): (Black River tributary)**
 - a. **From mouth to I-5:** First Saturday in June until further notice: Night closure and selective gear rules apply.
 - b. **Upstream of I-5:** Closed waters.
8. **Bogachiel River (Clallam Co.): From Highway 101 Bridge to Olympia National Park boundary:** Unlawful to fish from a floating device equipped with an internal combustion motor.
9. **Calawah River (Clallam Co.):**
From Highway 101 Bridge to forks: Unlawful to fish from a floating device equipped with an internal combustion motor.
10. **Cedar Creek (Jefferson Co.):** Permissible to fish from a floating device equipped with an internal combustion motor.

11. **Chambers Creek (Pierce Co.): From Boise-Cascade Dam to Steilacoom Lake:** Anti-snagging rule rescinded. Selective gear rules apply.
12. **Chehalis River and all forks from high bridge on Weyerhauser 1000 line upstream (Grays Harbor Co.):** Open first Saturday in June 2012, until further notice. Selective gear rules apply. All species: Release all fish, except up to two hatchery steelhead may be retained per day.
13. **Clearwater River (Jefferson Co.): From Snahapish River upstream:** Effective the first Saturday in June until further notice: Unlawful to fish from a floating device equipped with an internal combustion motor.
14. **Clover Creek (Pierce Co.): upstream of Steilacoom Lake, including all tributaries:** Open July 1, 2012, until further notice.
15. **Columbia River:**
 - a. **From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E, except Ringold Area Bank Fishery waters:** Closed waters within a 400' radius of the Columbia Irrigation District (CID) fish barrier at the mouth of the CID wasteway at Columbia Park. Release all steelhead with a radio-tag wire protruding from the mouth, or with a disk or floy tag attached near the dorsal fin.
 - b. **From the Highway 173 Bridge at Brewster to Chief Joseph Dam:** Closed to fishing from the Douglas County shore from the Chief Joseph Dam downstream 400 feet.
16. **Copalis River (Grays Harbor Co.):** Effective first Saturday in June, 2012, until further notice: Permissible to retain hatchery steelhead, defined as having a dorsal-fin height of less than 2 1/8 inches, or with an adipose or ventral fin clip.
17. **Cowlitz Falls Reservoir (Lake Scanewa) (Lewis Co.):** Effective June 1, 2012, until further notice: Trout daily limit 5.
18. **Deschutes River (Thurston Co.): From old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park:** Effective the first Saturday in June 2012, until further notice: Release all trout. Barbless hooks required.
19. **Dewatto River (Mason Co.): From Dewatto-Holly Road bridge upstream:** Effective first Saturday in June until further notice: Selective gear rules apply. Release all fish.
20. **Dungeness (Clallam Co.): From Gold Creek upstream:** Open the first Saturday in June 2012, until further notice.

21. **Elk River (Grays Harbor Co.) From confluence of east and middle branches upstream:** Season from first Saturday in June until further notice. Trout: Minimum length is 14 inches.
22. **Elwha River (Clallam Co.):** Closed.
23. **Fork Creek (Pacific Co.): (Willapa River tributary):**
 - a. **From mouth to Forks Creek Hatchery rack:** Closed waters.
 - b. **From Forks Creek Hatchery rack upstream 500 feet at fishing boundary sign:** Closed waters except for anglers who permanently use a wheelchair or have a designated harvester card. All species: night closure. Game fish: Open the first Saturday in June through July 15. Release all fish, except up to two hatchery steelhead may be retained per day.
 - c. **From fishing boundary sign 500 feet above Forks Creek Hatchery rack, upstream:** All game fish: Effective first Saturday in June 2012, until further notice: Selective gear rules apply.
24. **Gray Wolf River (Clallam Co.):** Permissible to fish from a floating device equipped with an internal combustion motor.
25. **Hanaford Creek (Lewis Co.): (Skookumchuck River tributary):** Permissible to fish from a floating device equipped with an internal combustion motor.
26. **Hoh River (Jefferson Co.): From DNR Oxbow Campground Boat Launch to Olympic National Park boundary below mouth of South Fork Hoh River:** Effective immediately until further notice: Unlawful to fish from a floating device equipped with an internal combustion motor.
27. **Humptulips River, East Fork (Grays Harbor Co.): From concrete bridge on Forest Service Road 220 upstream:** Trout minimum length is eight inches.
28. **Humptulips River, West Fork (Grays Harbor Co.): From Donkey Creek upstream:** Open the first Saturday in June 2012, until further notice. Selective gear rules apply.
29. **Kennedy Creek (Thurston/ Mason Counties): From mouth to northbound Highway 101 Bridge:** Selective gear rules rescinded.
30. **Little Hoko River (Clallam Co.):** Permissible to fish from a floating device equipped with an internal combustion motor.
31. **Little Nisqually River (Lewis Co.):** Selective gear rules rescinded, and it is unlawful to fish from a floating device equipped with an internal combustion motor.

32. **Lyre River (Clallam County):** From falls to source: Permissible to fish from a floating device equipped with an internal combustion motor.
33. **McAllister Creek (Thurston County):** Barbless hooks required.
34. **Mima Creek (Thurston Co.):** Night closure and anti-snagging rule rescinded.
35. **Mineral Creek (tributary to Nisqually River) and Mineral Creek, North Fork (Lewis Co.):** Permissible to fish from a floating device equipped with an internal combustion motor.
36. **Moclips River (Grays Harbor Co.): from mouth to the Quinault Indian Reservation boundary:** Permissible to retain steelhead having a dorsal fin height of less than 2 1/8 inches or an adipose or ventral fin clip when the fishing season is open.
37. **Nemah River, Middle Fork (Pacific Co.):** Selective gear rules rescinded, and it is permissible to fish from a floating device equipped with an internal combustion motor.
38. **Nisqually River (Pierce Co.): From Alder Reservoir upstream, including all tributaries:** Open the first Saturday in June 2012, until further notice. Trout minimum length is 14 inches. Motors prohibited.
39. **Nooksack River, North Fork (Whatcom Co.): From mouth to Nooksack Falls:** Trout minimum length is 14 inches.
40. **North River (Pacific Co.): From Highway 105 Bridge to Salmon Creek:** Sturgeon: Open immediately until further notice. Minimum fork length is 38 inches, and maximum fork length is 54 inches. Daily limit is one fish.
41. **Palix River, including all forks (Pacific Co.): From the confluence to the Middle Fork upstream and all forks, including South Fork and Cannon River:** Effective first Saturday in June 2012, until further notice: Release all game fish except up to two hatchery steelhead may be retained.
42. **Puyallup River (Pierce Co.): From city of Puyallup outfall structure near junction of Freeman Road and North Levee Road to Carbon River:** Game fish season is open only when salmon fishing is open. Trout minimum length is 14 inches.

43. **Quilcene River (Jefferson Co.):**
 - a. **From Rodgers Street to Highway 101 Bridge:** Unlawful to fish from a floating device equipped with an internal combustion motor.
 - b. **From electric weir at Quilcene National Fish Hatchery to upper boundary of Falls View Campground:** Permissible to fish from a floating device equipped with an internal combustion motor when fishing season is open.
44. **Salmon Creek (Thurston Co.) (Black River tributary):** Open the first Saturday in June 2012, until further notice. Anti-snagging rule rescinded. Trout minimum length is 14 inches.
45. **Samish River (Whatcom Co.): From mouth to I-5 Bridge:** Trout minimum length is 14 inches.
46. **Satsop River (Grays Harbor Co.): From 400 feet downstream of Bingham Creek Hatchery barrier dam, upstream to dam:** Trout minimum length is 14 inches.
47. **Skokomish River (Mason Co.): From Highway 101 Bridge to forks:** Unlawful to fish from a floating device equipped with an internal combustion motor.
48. **Smith Creek (near North River) (Pacific Co.): From mouth to Highway 101 Bridge:** Sturgeon: Open immediately until further notice. Minimum fork length is 38 inches and maximum fork length is 54 inches. Daily limit is one fish.
49. **Sol Duc River (Clallam Co.): From Highway 101 Bridge upstream of Klahowya Camp Ground to Olympic National Park boundary:** Unlawful to fish from a floating device equipped with an internal combustion motor.
50. **Stillaguamish River (Snohomish Co.): From mouth to Marine Drive, including all sloughs:** Year-round season. Trout minimum length is 14 inches.
51. **Teanaway River (Kittitas Co.):** Effective first Saturday in June until further notice, trout may be retained.
52. **Tieton River (Yakima Co.):** Permissible to fish from a floating device equipped with an internal combustion motor.
53. **Thompson Creek (Thurston Co.) (Skookumchuck River tributary):** Permissible to fish from a floating device equipped with an internal combustion motor.

54. **Union River (Mason Co.): From mouth to North Shore Road Bridge:** Sturgeon: Open June 1, 2012, through June 30, 2012. Minimum fork length is 38 inches, and maximum fork length is 54 inches. Daily limit is one fish.
55. **Van Winkle Creek (Grays Harbor Co.):** Open the first Saturday in June 2012, until further notice.
56. **Walla Walla River (Walla Walla Co.): From the Touchet River upstream to the state line:** During fishing season, daily limit of three hatchery steelhead for all tributaries except Mill Creek and Touchet River. Trout minimum length follows statewide rules.
57. **White Creek (Skagit Co.):** Release all fish, except up to two hatchery steelhead may be retained.
58. **White Chuck River (Snohomish Co.):** All species: Selective gear rules.
59. **White Salmon River (Klickitat/Skamania counties): From Northwestern Lake Road Bridge to Big Brothers Falls at River Mile 16:** Unlawful to fish from a floating device equipped with an internal combustion motor. Trout minimum length is eight inches. Catch and release, except up to two hatchery steelhead may be retained.
60. **Wildcat Creek (Grays Harbor Co.): (Cloquallum Creek tributary): From mouth to confluence of Middle and East forks:** Open the first Saturday in June until further notice. Selective gear rules apply.
61. **Wildcat Creek, East Fork (Grays Harbor Co.): (Cloquallum Creek tributary)**
 - a. **From Highway 108 Bridge (Simpson Avenue, in the town of McCleary) upstream:** Closed waters.
62. **Willapa River (Pacific Co.): From Fork Creek upstream:** Selective gear rules rescinded.
63. **Willapa River, South Fork (Pacific Co.):**
 - a. **From mouth to bridge on Pehl Road:** Selective gear rules effective the first Saturday in June 2012, through July 31, 2012.
 - b. **From Pehl Road upstream:** Effective the first Saturday in June 2012, until further notice: Selective gear rules rescinded. Permissible to fish from a floating device equipped with an internal combustion motor.

64. **Wishkah River (Grays Harbor Co.):**
- a. **From mouth to 200 feet below the weir at the Wishkah Rearing Ponds:** Open the first Saturday in June 2012, until further notice. Trout: Minimum length is 14 inches.
 - b. **From 200 feet below to the weir at the Wishkah Rearing Ponds:** Closed waters.
 - c. **From weir upstream:** Open the first Saturday in June 2012, until further notice. All species: Selective gear rules apply.
65. **Wynoochee River (Grays Harbor Co.):**
- a. **From mouth to WDFW White Bridge Access Site:** Trout: Minimum length is 14 inches.
 - b. **From WDFW White Bridge Access Site to 7400 Line Bridge above the mouth of Schafer Creek:** Open the first Saturday in June 2012, until further notice.
 - c. **From 7400 Line Bridge above the mouth of Schafer Creek, including area upstream of reservoir to Wynoochee Falls:** Open the first Saturday in June 2012, until further notice. **From 400 feet downstream of Wynoochee Dam, and from barrier dam near Grisdale:** Closed.
 - d. **From Wynoochee Falls upstream:** Open the first Saturday in June 2012, until further notice. All game fish: Selective gear rules apply. Trout: Eastern brook trout are not counted in daily trout limit, and the daily limit for this species is five fish, no minimum size.

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: These regulations are needed to implement Commission actions taken in February 2012. There is insufficient time to adopt permanent rules.

(12-74, 5/14/2012)

