



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 12-143

- Immediately upon filing.
- Later (specify) July 18, 2012

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Repealed: WAC 232-28-61900D, WAC 232-28-61900Y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: This emergency rule is needed to align with regulations already in effect on the Columbia River adjacent to this area, and allows anglers who fish the area around the mouth of the Okanogan River and up to the first Hwy 97 Bridge to use two poles while fishing for salmon, which will provide additional recreational fishing opportunity. 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. There is insufficient time to adopt permanent rules.

Date adopted: July 17, 2012

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 17, 2012

TIME: 2:27 PM

WSR 12-15-062

**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	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in the agency's own initiative:

New	<u>1</u>	Amended	_____	Repealed	<u>2</u>
-----	----------	---------	-------	----------	----------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

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 232-28-61900V Freshwater exceptions to statewide rules – 2012 North of Falcon-Eastern Washington Rivers and Columbia River.

Notwithstanding the provisions of WAC 232-28-619 and WAC 220-55-255, 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. **Chelan Lake (Chelan County):**
 - a. **South of a line between Purple Point and Painted Rocks to Chelan Dam:** Salmon season is year-round with a minimum size of 15 inches and daily limit of one fish. No catch record card required for salmon.
 - b. **North of a line between Purple Point and Painted Rocks:** No catch record card required for salmon.
2. **Cowlitz River (Lewis County):**

From Lexington Bridge Drive in Kelso upstream to the Highway 505 Bridge in Toledo: All Species: Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.
3. **Klickitat River (Klickitat County):**

From mouth to Fisher Hill Bridge: When anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.
4. **Lewis River (Clark County):**

From railroad bridge near Kuhn's Road upstream to mouth of East Fork of the Lewis River: Anglers in possession of a valid two pole endorsement may use up to two lines while fishing.
5. **Lewis River, North Fork (Clark/Skamania counties):**

From mouth to Johnson Creek: Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing.
6. **Wind River (Skamania County):**

From mouth to 400 feet below Shipherd Falls: Salmon and Steelhead: Open immediately through July 31. Fishing for trout (except hatchery steelhead) is closed.
7. **White Salmon River (Klickitat/Skamania counties):**
 - a. From county road bridge below powerhouse to Northwestern Lake Road Bridge: Closed waters.
 - b. From Northwestern Lake Road Bridge to 400 feet below Big Brother's Falls at River Mile 16: Closed waters from Big Brother's Falls downstream 400 feet. All game fish: Effective immediately, catch and release only, except up to 2 hatchery steelhead may be retained. Selective gear rules in effect.

8. Okanogan River (Okanogan County):

- a. Salmon: Open until further notice. Daily limit 6 Chinook and 6 sockeye only. Of the 6 Chinook, no more than 3 may be adult Chinook, and of these 3 adult Chinook, only 1 may be a wild adult Chinook. Effective immediately through October 15, release all Chinook and sockeye with external floy tags and/or with one or more holes (round, approximately ¼-inch diameter) punched in the caudal (tail) fin.
- b. From the mouth to the Highway 97 Bridge: All species: Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing, from July 18 through August 31, 2012.

9. Similkameen River (Okanogan County):

From the mouth to Enloe Dam: Salmon: Open until further notice. Daily limit 6 Chinook and 6 sockeye only. Of the 6 Chinook, no more than 3 may be adult Chinook, and of these 3 adult Chinook, only 1 may be a wild adult Chinook. Effective immediately through October 15, release all Chinook and sockeye with external floy tags and/or with one or more holes (round, approximately ¼-inch diameter) punched in the caudal (tail) fin.

R E P E A L E R S

The following sections of the Washington Administrative Code are repealed effective July 18, 2012:

WAC 232-28-61900Y Freshwater Exceptions to Statewide Rules – 2012 North of Falcon Eastern Washington Rivers and Columbia River. (12-137)

WAC 232-28-61900D Exceptions to statewide rules—Chelan Lake. (12-111)

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: This emergency rule is needed to align with regulations already in effect on the Columbia River adjacent to this area, and allows anglers who fish the area around the mouth of the Okanogan River and up to the first Hwy 97 Bridge to use two poles while fishing for salmon which will provide additional recreational fishing opportunity. 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. There is insufficient time to adopt permanent rules.
(12-143, 7/17/2012)

