



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 13-78

- Immediately upon filing.
- Later (specify) May 1, 2013

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Repealed: WAC 232-28-61900W
 Amended: WAC 232-28-619
 Suspended:

Statutory authority for adoption: RCW 77.12.045, 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 regulation is needed to implement regulations for the Columbia River tributaries that were adopted during the recent North of Falcon Process. These rules are interim until permanent rules take effect.

Date adopted: April 25, 2013

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 25, 2013

TIME: 10:45 AM

WSR 13-10-037

(COMPLETE REVERSE SIDE)

**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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____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	<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:

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 Freshwater exceptions to statewide rules—Columbia River and tributaries.

Notwithstanding the provisions of WAC 232-28-619, effective May 1, 2013, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

Columbia River from the Megler-Astoria Bridge to a projected line from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank: From July 1 through July 31, release adult Chinook and sockeye.

Columbia River from a line projected line from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank to the I-5 Bridge: From May 16 through June 15 and July 1 through July 31, release adult Chinook and sockeye.

Columbia River from I-5 Bridge to Bonneville Dam: Effective July 1 through July 31, release adult Chinook and sockeye.

Columbia River from Bonneville Dam to the Washington/Oregon border 17 miles upstream from McNary Dam:

- (i) Effective immediately through May 5, daily salmonid limit is 6 fish (hatchery Chinook or hatchery steelhead), of which no more than 2 can be adults or 1 of each. Release all wild Chinook and wild steelhead. Salmon minimum size is 12 inches.
- (ii) Bank fishing only from Bonneville Dam to Tower Island powerlines located approximately 6 miles below The Dalles Dam.

Kalama River from boundary markers at the mouth to 1,000 feet below the fishway at upper salmon hatchery:

- (a) Effective immediately through July 31, release all Chinook.
- (b) Until further notice, stationary gear restriction has been rescinded.

Lewis River (Clark/Cowlitz County) from mouth to mouth of East Fork: Effective immediately through July 31, release all Chinook.

Lewis River, North Fork (Clark/Cowlitz County) from mouth of East Fork to Johnson Creek: Effective immediately through July 31, release all Chinook.

Lewis River, North Fork (Clark/Cowlitz County) from Johnson Creek to overhead powerlines below Merwin Dam:

- (a) Effective immediately through May 31, closed to all fishing.
- (b) Effective immediately through July 31, release all Chinook.

- (c) Trout: Effective June 1 until further notice, catch and release, except up to 2 hatchery steelhead may be retained.
- (d) Other game fish: Effective June 1, statewide minimum size and daily limit are in effect.
- (e) Night closure and anti-snagging rule will be in effect June 1 until further notice.

Washougal River (Clark County) from mouth to Salmon Falls: Until further notice, stationary gear restriction has been rescinded.

Wind River (Skamania County) from mouth (boundary/line markers) to 400 feet below Shipherd Falls:

- (a) Effective immediately through July 31, daily limit is 1 salmon or hatchery steelhead. Release wild Chinook.
- (b) Until further notice, the two-pole endorsement has been rescinded.

Wind River from 100' above Shipherd Falls to Moore Bridge: Until further notice, closed to all fishing.

REPEALER

The following section of the Washington Administrative Code is repealed effective May 1, 2013:

WAC 232-28-61900W Exceptions to statewide rules—Lewis and Kalama Rivers. (13-29)

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, 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 regulation is needed to implement regulations for the Columbia River tributaries that were adopted during the recent North of Falcon Process. These rules are interim until permanent rules take effect.

(13-78, 4/25/2013)

