



# 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 13-82**

- 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Repealed:

Amended: WAC 220-56-128, 220-56-235, 220-56-240, 220-56-265, 220-56-310, 220-55-220

Suspended:

**Statutory authority for adoption:** RCW 77.12.047, and 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 filing permanent rules that were adopted by the Washington Fish and Wildlife Commission. These rules are interim until permanent rules take effect.

**Date adopted:** April 26, 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 26, 2013**

**TIME: 12:35 PM**

**WSR 13-10-045**

**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 | _____ |
|-----|-------|---------|-------|----------|-------|

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

|     |          |         |       |          |       |
|-----|----------|---------|-------|----------|-------|
| New | <u>6</u> | Amended | _____ | Repealed | _____ |
|-----|----------|---------|-------|----------|-------|

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

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| New | _____ | Amended | _____ | Repealed | _____ |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

**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 220-56-12800L Food fish fishing–Closed Areas.**

Notwithstanding the provisions of WAC 220-56-128 and WAC 220-56-500, effective May 1, 2013, until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

1. Persons with disabilities who permanently use a wheelchair and have a designated harvester card under WAC 220-55-065 may fish from the ADA-accessible site at the Hoodspout Salmon Hatchery, provided such persons follow all applicable rules and regulations of the adjoining waters of Marine Area 12.
2. Designated harvesters may fish from the ADA-accessible site with persons with disabilities who permanently use a wheelchair and have a designated harvester card, if room allows.

NEW SECTION

**WAC 220-56-23500Z Possession limits – Bottomfish.**

Notwithstanding the provisions of WAC 220-56-235, effective May 1, 2013, until further notice, it is unlawful to fish for, retain, or possess sixgill, sevengill, or thresher sharks. It is unlawful for any person to take in any day more than the following quantities of bottomfish for personal use:

- (1) Marine Areas 1 through 3: 12 fish-limit, which includes a sub-limit of 10 rockfish, 2 lingcod, and 2 cabezon.
- (2) Marine Area 4: 10-fish limit, which includes a sub-limit of 6 rockfish, black and blue only; 2 lingcod, and 1 cabezon. Cabezon minimum size limit is 18 inches.
- (3) Marine Areas 5 through 11 and 13, Cabezon: Daily limit 1. The minimum size limit for cabezon is 18 inches.

## NEW SECTION

**WAC 220-56-24000H Daily limits forage fish and other foodfish not otherwise provided for.**

Notwithstanding the provisions of WAC 220-56-240, effective May 1, 2013, until further notice, it is unlawful for any person to retain more than the following quantities and sizes of food fish taken for personal use. Unless otherwise provided, other food-fish fishing is open the entire year:

- (1) Forage fish:
  - (a) Catch Record Card Areas 1 through 4, 2.1 (Willapa Bay) and 2.2 (Grays Harbor), sardines and anchovies: 25 pounds total.

## NEW SECTION

**WAC 220-56-26500B Forage fish—Lawful gear.**

Notwithstanding the provisions of WAC 220-56-265, effective May 1, 2013, until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

- (1) In Marine Areas 1 through 4, 2.1 (Willapa Bay), and 2.2 (Grays Harbor), it is permissible to take anchovies or sardines using dip net, cast net, jigger gear, or by angling.
- (2) It is unlawful for a fisher to operate cast-net gear unless the gear is in his or her immediate control. The fisher must have the retrieval cord in his or her hand at all times when the cast net is deployed. Mesh size for cast nets is limited to 1 inch maximum, and cast nets may be no larger than 10 feet in diameter.

## NEW SECTION

**WAC 220-56-31000Y Shellfish—Daily limits.**

Notwithstanding the provisions of WAC 220-56-310, effective May 1, 2013, until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

- (1) In Marine Areas 1 through 3 and Marine Area 4 west of the Bonilla-Tatoosh line: Total weight 25 pounds of spot shrimp, with a maximum of 200 spot shrimp as part of the 25-pound daily limit.

NEW SECTION

**WAC 220-55-22000E Two-pole endorsement.**

Notwithstanding the provisions of WAC 220-55-220, effective May 1, 2013, until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

The use of two poles is allowed in the following waters:

A. Lake, Reservoir, or Pond

1. Adams County: Quail Lake
2. Douglas County: Grimes Lake
3. Ferry County: Long Lake
4. Grant County: Beda, Brookies, Dry Falls, Dusty, Homestead, Lenice, Lenore, Merry, and Nunnally lakes
5. Grays Harbor County: Damon, Promised Land, and Shye lakes, Vance Creek #2 Pond, and Wynoochee Reservoir
6. Island County: Lone Lake
7. Jefferson County: Anderson Lake
8. King County: Rattlesnake and Ravensdale lakes
9. Kittitas County: Easton Lake
10. Lewis County: Fort Borst Park Pond
11. Lincoln County: Coffeepot Lake
12. Okanogan County: Aeneas, Big Twin, Black, Blue (Sinlahekin Creek), Blue (near Wannacut Lake), Campbell, Chopaka, Cougar (Pasayten Wilderness), Davis, Ell, Green, Hidden, Lower Green, and Rat lakes
13. Pacific County: Middle Nemah, Mooses, and Owens lakes
14. Pend Oreille County: Browns and Muskegon lakes

15. San Juan County: Mountain Lake

16. Spokane County: Amber and Medical lakes

17. Stevens County: Bayley, McDowell, and Rigley lakes

18. Thurston County: Kennedy and McLane creeks

B. Columbia River from the Highway 395 Bridge at Pasco to Priest Rapids Dam from June 16 through July 31: All species except sturgeon.

C. Marine Area 10 (Seattle/Bremerton Area): Sinclair Inlet.

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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, 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 filing permanent rules that were adopted by the Washington Fish and Wildlife Commission. These rules are interim until permanent rules take effect.

**(13-82, 4/26/2013)**

