



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 13-84

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Repealed: WAC 232-28-61900C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

Statutory authority for adoption: RCW 77.12.045, 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 for sportfishing, and permanent rules that will be adopted by the department for recreational salmon fishing. The salmon rules were agreed to with resource co-managers at the North of Falcon proceedings. All of 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: 1:19 PM

WSR 13-10-047

**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 232-28-61900B Exceptions to statewide rules.

Notwithstanding the provisions of WAC 232-28-619, 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. Freshwater terminal gear restrictions: Terminal gear restrictions apply to all species, including salmon, unless otherwise provided.
2. It is permissible to fish from a floating device equipped with an internal combustion motor in the following waters:

<u>Water Body</u>	<u>County</u>	<u>Section (if applicable)</u>
American River	Yakima	
Box Canyon Creek	Kittitas	From waterfall approximately 2 miles upstream of mouth to USFS Road #4930 Bridge.
Bumping River	Yakima	From mouth to Bumping Reservoir
Cowiche Creek	Yakima	
De Roux Creek	Kittitas	Upstream of USFS Trail #1392 stream crossing.
Kachess River	Kittitas	
Naneum Creek	Kittitas	
Teanaway River, North Fork	Kittitas	
Tieton River	Yakima	
Umtanum Creek	Kittitas	

3. Until further notice, the following waters are open the Saturday before Memorial Day:

<u>Water Body</u>	<u>County</u>	<u>Section (if applicable)</u>
Boulder Creek	Okanogan	Including tributaries not otherwise provided for.
Browns Creek	Pend Oreille	
Bumping River	Yakima	From Bumping Lake upstream.
Cedar Creek	Pend Oreille	Including tributaries.
Chikamin Creek	Chelan	
Chewuch (Chewack) River	Okanogan	From the mouth to Eight Mile Creek.
Deep Creek	Yakima	From the second bridge crossing upstream.
Entiat River	Chelan	Above Entiat Falls.
<u>Water Body</u>	<u>County</u>	<u>Section (if applicable)</u>
Icicle River (Creek)	Chelan	From the Leavenworth National Fish Hatchery rack upstream to Leland Creek.

Indian Creek	Pend Oreille	Including tributaries.
Indian Creek	Yakima	Upstream of the waterfall, approximately 6 miles upstream from the mouth.
Le Clerc Creek	Pend Oreille	Including tributaries.
Little Pend Oreille River	Stevens	Including all tributaries.
Little Spokane River	Spokane	Tributaries not otherwise provided for, and mainstem from the West Branch upstream.
Lost River	Okanogan	From the mouth of Monument Creek to the outlet of Cougar Lake.
Methow River (Burma)	Okanogan County	From County Road 1535 Bridge to Gold Creek; from Foghorn Dam to Weeman Bridge; tributaries not otherwise provided for.
Mill Creek	Pend Oreille	Including tributaries.
Nason Creek	Chelan	From Smith Brook to Stevens Creek.
Pend Oreille River tributaries	Pend Oreille	Those not otherwise provided for.
Phelps Creek	Chelan	From the mouth to the falls at river mile one.
Priest Lake tributaries	Pend Oreille	Including Upper Priest Lake tributaries, except those tributaries otherwise provided for.
Priest River tributaries	Pend Oreille	
Rock Creek	Adams/Whitman	From Endicott Road to the bridge on George Knott Road at Revere.
Rock Creek	Chelan	
Ruby Creek	Pend Oreille	Including tributaries
Salmon Creek, North and West Forks	Okanogan	from mouth to South Fork.
<u>Water Body</u>	<u>County</u>	<u>Section (if applicable)</u>
San Poil River	Ferry	From above the Colville Confederated Tribe of Indians Reservation northern boundary, upstream to the headwaters, including tributaries.
Sherman Creek	Ferry	From the mouth at Lake Roosevelt upstream to the hatchery boat dock.
Sinlahekin Creek	Okanogan	From Palmer Lake upstream, and tributaries from Cecile Creek Bridge upstream.

Slate Creek	Pend Oreille	Including tributaries.
South Salmo River	Pend Oreille	Including tributaries.
Sullivan Creek	Pend Oreille	Including the tributaries from Mill Pond upstream.
Sullivan Lake Tributaries	Pend Oreille	Except those otherwise provided for.
Tacoma Creek	Pend Oreille	Including tributaries.
Tieton River, South Fork	Yakima	
Twisp River	Okanogan	From the mouth to War Creek.

4. No size restrictions or daily limit for bass, channel catfish, and walleye for the following waters: Grande Ronde River (Asotin County), for all portions of the river and its tributaries that are open to game fish angling; Pataha Creek (Garfield County).

5. The following waters are open only to juvenile anglers and anglers with a disability who possess a designated harvester companion card only:

<u>Water Body</u>	<u>County</u>	<u>Section (if applicable)</u>
Columbia Basin Hatchery Creek	Grant	
Columbia Park Pond	Benton	
Dayton Pond	Columbia	
Goose Creek	Lincoln	Within the City limits of
Wilbur.		
Kiwanis Pond	Kittitas	
Ping Pond	Grant	
Sarge Hubbard Park Pond	Yakima	

6. Selective gear rules apply to the following waters: Manastash Creek (Kittitas County), including tributaries; Monument Creek (Okanogan County), including tributaries; Nile Creek (Yakima County), including tributaries; Oak Creek (Yakima County), including tributaries.

7. Bear Lake (Spokane County):
Open only to juvenile anglers, licensed adults accompanied by a juvenile, and anglers with a disability who possess a designated harvester companion card.

8. Bonaparte Creek (Okanogan County):
Until further notice, open the Saturday before Memorial Day from the falls upstream, including all tributaries not otherwise provided for. No size restrictions or daily limit for bass, channel catfish, and walleye.

9. Burbank Slough (Walla Walla County):
It is unlawful to fish from any floating device in the area east and north of Highway 12, except for the channel east of Highway 12 up to the fish screen at the Number 3 Pumping Station.

10. Calispell Creek (Calispell River, Pend Oreille County):
Eastern brook trout daily limit is 10. Once an angler has retained 2 trout other than eastern brook trout, the entire trout daily limit has been taken. From Calispell Lake upstream to source, open the Saturday before Memorial Day until further notice.
11. Calispell Creek tributaries (Pend Oreille County):
Selective gear rules apply. Open the Saturday before Memorial Day until further notice.
12. Chelan River (Chelan County):
It is unlawful to use other than barbless hooks while fishing for salmon and steelhead.
13. Cle Elum River (Kittitas County):
It is permissible to fish from a floating device equipped with an internal combustion motor. From above Cle Elum Lake to the outlet of Hvas Lake (including Tucquala Lake), and all tributaries to Cle Elum River above Cle Elum Lake to outlet of Hvas Lake that are not otherwise listed in this section, open the Saturday before Memorial Day until further notice.
14. Columbia River, including impoundments and all connecting sloughs, except Wells Ponds:
 - (a) From McNary Dam to Hwy 395 Bridge at Pasco:
 - (i) It is unlawful to use other than barbless hooks while fishing for salmon and steelhead.
 - (ii) From McNary Dam upstream to the Oregon/Washington border (17 miles): Channel catfish, no limit.
 - (iii) Upstream from the Oregon/Washington border (which is 17 river miles upstream from McNary Dam): No size restrictions or daily limit for bass, channel catfish, and walleye.
 - (b) From the Highway 395 Bridge at Pasco to Priest Rapids Dam:
 - (i) No size restrictions or daily limit for bass, channel catfish, and walleye.
 - (ii) From June 16 through July 31, release sockeye.
 - (iii) It is unlawful to use other than barbless hooks while fishing for salmon and steelhead.
 - (c) From Priest Rapids Dam to Chief Joseph Dam:
 - (i) Within seasons and areas open to salmon angling, no more than 2 adult hatchery Chinook may be retained. Release all wild salmon.
 - (ii) No size restrictions or daily limit for bass, channel catfish, and walleye.
 - (iii) It is unlawful to use other than barbless hooks while fishing for salmon and steelhead.
15. Colville River (Stevens County):
From the mouth to the bridge at Town of Valley, walleye, no size restriction, and limit of 16 fish. All tributaries to Colville River, from the mouth to the bridge at the town of Valley, open the Saturday before Memorial Day until further notice.
16. Cooper River (Kittitas County), mouth to Cooper Lake:
It is permissible to use an internal combustion motor. Open the Saturday before Memorial Day until further notice.
17. Cougar Lake (Pasayten Wilderness, Okanogan County):
Fishing with two poles is permissible so long as the angler possesses a two-pole endorsement.

18. Cougar Lake (near Winthrop) (Okanogan County):
Open year round. From April 1 until further notice, selective gear rules apply, and it is unlawful to fish from a floating device equipped with an internal combustion motor.
19. Gold Creek, Gold Creek Pond and Outlet Channel, tributary to Keechelus Lake (Kittitas County):
Closed, including that portion of Gold Creek that flows through the dry lake bed.
20. Headgate Pond (Asotin County):
Open only to juvenile anglers, seniors, and anglers with a disability who possess a designated harvester companion card.
21. Jolanda, Lake (Chelan County): Closed.
22. Kettle River (Stevens County):
 - (a) Selective gear rules apply, except for juvenile anglers, from the Canadian border upstream to Highway 21 Bridge at Curlew.
 - (b) Kettle River mainstem from Barstow Bridge upstream, and tributaries to the Kettle River from the mouth upstream, are open from the Saturday before Memorial Day until further notice.
23. Leader Lake (Okanogan County): Open year round.
24. Little Naches River (Yakima County), including tributaries:
Selective gear rules apply. It is permissible to fish from a floating device equipped with an internal combustion motor.
25. Okanogan River (Okanogan County):
 - (a) Within the mainstem or tributaries open to game fish angling: No size restrictions or daily limit for bass, channel catfish, and walleye.
 - (b) It is unlawful to use other than barbless hooks while fishing for salmon and steelhead.
 - (c) From the mouth to Highway 97 Bridge immediately upstream of the mouth: Fishing two poles is permissible July 1 through October 15, so long as the angler possesses a two-pole endorsement. Salmon limit 6; no more than 2 adult hatchery Chinook may be retained. Release all wild salmon.
 - (d) From Highway 97 Bridge immediately upstream of the mouth to the highway bridge at Malott: Salmon limit 6, and no more than 2 adult hatchery Chinook may be retained. Release all wild salmon.
 - (e) Upstream from the highway bridge at Malott:
 - (i) Open the Saturday before Memorial Day until further notice.
 - (ii) When open for salmon, salmon limit 6, and no more than 2 adult hatchery Chinook may be retained. Release all wild salmon.
26. Palouse River (Whitman County):
From the mouth to the base of Palouse Falls:
 - (a) No size restrictions or daily limit for bass, channel catfish, and walleye.
 - (b) It is unlawful to use other than barbless hooks while fishing for salmon and steelhead.

27. Rattlesnake Creek (Yakima County):
It is permissible to fish from a floating device equipped with an internal combustion motor. Selective gear rules apply to the tributaries.
28. Roosevelt Lake (Ferry/Lincoln/Stevens counties):
Walleye has no size restriction and a daily limit of 16 fish.
29. Rufus Woods Lake (Douglas County):
 - (a) Closed waters from Grand Coulee Dam downstream to State Route 155 Bridge.
 - (b) Tributaries to Rufus Woods Lake open the Saturday before Memorial Day until further notice.
30. San Poil River (Ferry County):
It is permissible to fish for walleye in waters of the lower San Poil River from Boundary Line A upstream to Boundary Line C. Daily limit of 16 walleye, with no size restriction.
31. Scooteney Reservoir (Franklin County):
Walleye limit 8. No more than one walleye over 22 inches in length may be retained.
32. Silver Lake, North (Spokane County):
Open under statewide general rules.
33. Similkameen River (Okanogan County):
 - (a) Closed from 400 feet below Enloe Dam to 400 feet above Enloe Dam.
 - (b) From mouth to 400 feet below Enloe Dam: When open for salmon angling, salmon limit 6, and no more than 2 adult hatchery Chinook may be retained. Release all wild salmon.
 - (c) It is unlawful to use other than barbless hooks while fishing for salmon and steelhead.
 - (d) From 400 feet above Enloe Dam to the Canadian border, open the Saturday before Memorial Day until further notice.
34. Snake River:
 - (a) Beginning June 16, an angler may retain 3 hatchery steelhead daily.
 - (b) No size restrictions or daily limit for bass, channel catfish, and walleye.
 - (c) It is unlawful to use other than barbless hooks while fishing for salmon and steelhead.
35. Spokane River (Spokane County):
 - (a) From SR 25 Bridge upstream to 400 feet below Little Falls Dam: Open year round for walleye, limit 16 fish.
 - (b) All tributaries not otherwise provided for are open the Saturday before Memorial Day until further notice.
36. Swauk Creek (Kittitas County), including tributaries:
Selective gear rules apply. It is permissible to fish from a floating device equipped with an internal combustion motor.
37. Taneum Creek (Kittitas County), including tributaries:
Selective gear rules apply. It is permissible to fish from a floating device equipped with an internal combustion motor.

38. Teanaway River (Kittitas County), and tributaries:
Selective gear rules apply. It is permissible to fish from a floating device equipped with an internal combustion motor. Trout retention is permissible.
39. Tieton River, North Fork (Yakima County):
Open the Saturday before Memorial Day on the mainstem until further notice. Selective gear rules apply for the mainstem and the tributaries.
40. Touchet River (Columbia/Walla Walla County):
(a) It is unlawful to use other than barbless hooks while fishing for salmon and steelhead.
(b) From the mouth to the confluence of the North and South forks, and all tributaries open to gamefish angling within this section: No size restrictions or daily limit for bass, channel catfish, and walleye.
41. Tucannon River (Columbia/Walla Walla County):
(a) For all portions of the Tucannon River and tributaries open to game fish angling, no size restrictions or daily limit for bass, channel catfish, and walleye.
(b) From the mouth to Tucannon Hatchery Bridge, it is unlawful to use other than barbless hooks while fishing for salmon and steelhead.
42. Tucquala Lake (Kittitas County):
Open the Saturday before Memorial Day until further notice. No daily limit on eastern brook trout; eastern brook trout do not count towards the trout daily limit.
43. Walla Walla River (Walla Walla County):
(a) Within the mainstem and tributaries open to game fish angling: No size restrictions or daily limit for bass, channel catfish, and walleye.
(b) From the mouth to the state line, it is unlawful to use other than barbless hooks while fishing for salmon and steelhead.
(c) From the Touchet River upstream to the state line, all tributaries are closed except Mill Creek and the Touchet River as otherwise provided for.
44. Washburn Island Pond (Okanogan County):
An internal combustion motor may be attached to a floating device, but the motor must not be used.
45. Yakima River (Yakima County):
(a) No size restrictions or daily limit for bass, channel catfish, and walleye.
(b) From Sunnyside Dam to 3500 feet below Roza Dam, it is unlawful to fish from a floating device equipped with an internal combustion motor in the portion of the river from the I-82 Bridge at Selah Gap to 3500 feet below Roza Dam.
(c) From 3500 feet below Roza Dam to 400 feet below Roza Dam, it is unlawful to fish from a floating device equipped with an internal combustion motor.
46. Yocum Lake (Pend Oreille County):
It is unlawful to fish from a floating device equipped with an internal combustion motor.

REPEALER

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

WAC 232-28-61900C Exceptions to statewide rules—Lake Roosevelt, San Poil and Spokane rivers.

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: The department is in the process of filing permanent rules that were adopted by the Washington Fish and Wildlife Commission for sportfishing, and permanent rules that will be adopted by the department for recreational salmon fishing. The salmon rules were agreed to with resource co-managers at the North of Falcon proceedings. All of these rules are interim until permanent rules take effect.

(13-84, 4/26/2013)