



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 13-85

- 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Repealed: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 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: 1:22 PM

WSR 13-10-048

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

Notwithstanding the provisions of WAC 232-28-619 and WAC 220-56-105, 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. Puget Sound Region Freshwater: Beaver ponds located within a stream , or adjoining streams that are currently listed as open to trout and other gamefish, follow the same rules and regulations as the stream unless otherwise regulated by special rules.
2. It is permissible to retain hatchery (adipose-clipped) trout less than 14 inches in length, as part of the daily limit, in the following waters:

<u>Water Body</u>	<u>County</u>	<u>Section (if applicable)</u>
Bear Creek	Clallam	
Beaver Creek	Clallam	From mouth to Beaver Falls.
Beaver Creek	Thurston	
Big River	Clallam	Outside Olympic National Park (ONP).
Black River	Grays Harbor/Thurston	From mouth to bridge on 128 th Ave. SW.
Blooms Ditch	Thurston	From mouth to I-5.
Bogachiel River	Clallam	
Calawah River	Clallam	From mouth to forks.
Calawah River, North Fork	Clallam	
Calawah River, South Fork	Clallam	From mouth to ONP boundary.
Cedar Creek	Clallam	Outside ONP.
Cedar Creek	Jefferson	Outside ONP.
Chehalis River	Grays Harbor	Including all channels, sloughs, and interconnected waterways, from mouth (Highway 101 Bridge in Aberdeen) to high bridge on Weyerhaeuser 1000 line.
Chehalis River, South Fork	Lewis	From mouth to County Bridge near Boistfort School.
Clearwater River	Jefferson	
Cloquallum Creek	Grays Harbor	From the mouth to outlet at Stump Lake.
Coal Creek	Clallam	
Connor Creek	Grays Harbor	

<u>Water Body</u>	<u>County</u>	<u>Section (if applicable)</u>
Cook Creek	Grays Harbor	From the Quinault Indian Reservation boundary upstream.
Copalis River	Grays Harbor	
Crooked Creek	Clallam	Including tributaries outside ONP.
Dickey River	Clallam	Including both forks.
Elk Creek	Clallam	Outside ONP.
Elk River	Grays Harbor	
Goodman Creek	Jefferson	Outside ONP.
Hoh River, South Fork	Jefferson	Outside ONP.
Hoquiam River, including West Fork	Grays Harbor	
Hoquiam River, East Fork	Grays Harbor	
Humptulips River	Grays Harbor	
Humptulips River, East Fork	Grays Harbor	From the mouth to the concrete bridge on Forest Service Road 220.
Humptulips River, West Fork	Grays Harbor	From mouth to Donkey Creek.
Joe Creek	Grays Harbor	From mouth upstream.
Johns River	Grays Harbor	
Kalaloch Creek	Jefferson	Outside ONP.
Matheny Creek	Jefferson	Outside ONP.
Moclips River	Grays Harbor	From mouth to the Quinault Indian Reservation boundary.
Mosquito Creek	Jefferson	Outside ONP upstream to the Goodman 3000 Mainline Bridge.
Newaukum River 508	Lewis	From the mouth to Highway Bridge near Kearny Creek.
Newaukum River, Middle Fork	Lewis	From the mouth to Tauscher Road Bridge.
Newaukum River, North Fork	Lewis	From the mouth to 400 feet below the Chehalis city water intake.
Palmquist Creek	Clallam	Outside ONP.
Petroleum Creek	Clallam	From the ONP boundary upstream.
Pilchuck Creek	Clallam	
Quillayute River	Clallam	Outside ONP.
Quinault River	Grays Harbor	From the mouth at the upper end of Quinault Lake upstream to the ONP boundary.

<u>Water Body</u>	<u>County</u>	<u>Section (if applicable)</u>
Quinn Creek	Clallam	Outside ONP.
Salmon Creek	Thurston	
Salmon River	Jefferson	Outside ONP and the Quinault Indian Reservation.
Satsop River	Grays Harbor	From mouth to Bingham Creek Hatchery barrier dam.
Sol Duc River	Clallam	From the mouth to the concrete pump station at the Sol Duc Hatchery, and from the concrete pump station at Sol Duc Hatchery to Highway 101 Bridge upstream of Klahowya Camp Ground.
Middle Fork Satsop River	Grays Harbor	From mouth to Cougar Smith Road.
West Fork Satsop River	Grays Harbor	From mouth to Cougar Smith Road.
Sitkum River	Clallam	
Siwash Creek	Clallam	Outside ONP.
Snahapish River	Jefferson	
Solberg Creek	Clallam	
Solleks River	Jefferson	
Sooes River	Clallam	Outside of Makah Indian Reservation.
South Creek	Clallam	outside ONP
Stevens Creek	Grays	From the mouth to Highway 101 Bridge.
Thunder Creek	Clallam	
Trout Creek	Clallam	
Van Winkle Creek	Grays Harbor	From the mouth to 400 feet below the outlet of Lake Aberdeen Hatchery.
Wishkah River	Grays Harbor	From mouth to 200 feet below the weir at the Wishkah Rearing Ponds.
Wynoochee River	Grays Harbor	From mouth to 400 feet below Wynoochee Dam, including confluence of the reservoir upstream to Wynoochee Falls.

3. 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>
Big Beaver Creek	Whatcom	From one-quarter mile upstream of the closed water markers on Ross Lake upstream, including tributary streams and beaver ponds.
Cascade River	Skagit	From the Rockport-Cascade Road Bridge upstream.
Cedar River	Pacific	
Tolt River	King	From mouth to USGS trolley cable near confluence of North and South forks.
Clearwater River	Pierce	
Monte Cristo Lake	Snohomish	
Naselle River	Pacific/Wahkiakum	Upstream from the mouth of the North Fork.
Naselle River, South Fork	Pacific	From the mouth to Bean Creek.
Nemah River, Middle Fork	Pacific	From the Department of Natural Resources bridge on the Middle Nemah A-Line Road upstream.
Nemah River, South Fork	Pacific	From the confluence with Middle Fork Nemah River upstream to the second Highway 101 Bridge crossing
North River	Grays Harbor/Pacific	From Fall River to Raimie.
Creek Ohop Creek	Pierce	
Palix River	Pacific	From the confluence with the Middle Fork upstream and all forks, including South Fork and Cannon Rivers.
Palix		
Salmon Creek	Pacific	
Sauk River	Skagit/Snohomish	From Darrington Bridge upstream.
Skykomish River, South Fork	King/Snohomish	From Sunset Falls to the source, including all tributaries and their tributaries.
Smith Creek (near North River)	Pacific	From Highway 101 Bridge upstream.

<u>Water Body</u>	<u>County</u>	<u>Section (if applicable)</u>
Stillaguamish River, South Fork	Snohomish	From Mountain Loop Highway Bridge above Granite Falls upstream to the source.
Tye River	King	From Foss River to Alpine Falls.
White (Stuck) River	Pierce	From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) upstream to its source.
Willapa River	Pacific	From Fork Creek upstream.
Willapa River, South Fork	Pacific	From the mouth to bridge on Pehl Road.

4. 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>
Black Creek	Snohomish	From Bear Creek confluence upstream.
Boulder River	Snohomish	From Boulder Falls upstream.
Boxley Creek	King	Upstream from the falls located at approximately river mile 0.9.
Canyon Creek	Whatcom	Including all tributaries, upstream from where Cavanaugh Creek first flows into Whatcom County.
Cavanaugh Creek	Whatcom	
Chaplain Creek	Snohomish	Above the falls to the dam at Chapman Lake, including tributaries and beaver ponds.
Cherry Creek	Whatcom	From above Cherry Creek Falls including all tributaries and beaver ponds.
Coal Creek	King	From Highway I-90 upstream.
Cumberland Creek	Whatcom	Upstream from the USFS 17 road bridge, including all tributaries.
Dungeness River	Clallam	From Gold Creek upstream.
Green (Duwamish) River	King	From Friday Creek upstream, including all tributaries and their tributaries.

<u>Water Body</u>	<u>County</u>	<u>Section (if applicable)</u>
Howard Creek	Whatcom	Upstream from where Howard Creek flows into Section 13 of township 36N, range 6E, and including all tributaries.
Jefferson Creek	Mason	
Kennedy Creek	Mason	From the falls upstream, including all tributaries.
Marsh Creek	Snohomish	Above the falls and upstream, including tributaries and beaver ponds.
Nooksack River, North Fork	Whatcom	Waters above Nooksack Falls, including all tributaries and their tributaries.
Nooksack River, Middle Fork	Whatcom	Waters above the diversion dam, including all tributaries and their tributaries.
Olney Creek	Snohomish	Waters upstream of Olney Falls, including tributaries and beaver ponds.
O'Toole (Marietta) Creek	Whatcom	Upstream from Marietta Falls.
Plumbago Creek	Whatcom	Upstream from the Sierra Pacific 140 road bridge, including all tributaries.
Pressentin Creek	Whatcom	Upstream from the waterfall located 0.3 miles from the Skagit River, including all tributaries.
Quilcene River	Jefferson	From the upper boundary of Falls View Campground upstream.
Roaring Creek	Whatcom	Upstream from its confluence with Deer Creek, including all tributaries.
Skookum Creek	Whatcom	From the mouth of Arlecho Creek upstream, including Arlecho Creek and all other tributaries.

<u>Water Body</u>	<u>County</u>	<u>Section (if applicable)</u>
Skykomish River, North Fork	Snohomish	From Deer Falls upstream, including all tributaries and their tributaries.
Snoqualmie River	King	From Snoqualmie Falls upstream, including the North and South Forks and their tributaries (except Tate, Sunday and Phillapa creeks).
South Prairie Creek	Pierce	From the City of Buckley's diversion dam upstream.
Stillaguamish River, North Fork	Snohomish	Upstream of the falls, including all tributaries and their tributaries.
Tokul Creek	King	From Tokul Road SE upstream, including all tributaries and beaver ponds.
Voight Creek	Pierce	From the falls under the powerline upstream.
Woods Creek	Snohomish	
Youngs Creek	Snohomish	From Potson Rd upstream, including tributaries.

5. There are no size restrictions for Kokanee in the following waters: Aldrich Lake (Mason County); Black Lake (Thurston County); Buck Lake (Kitsap County); Carney Lake (Pierce County).
6. Open year round: Long Lake (Thurston County); Middle Nemah Pond (Pacific County); Mooses Pond (Pacific County); Ohop Lake (Pierce County).
7. Baker Lake (Whatcom County):
Salmon open July 10 until further notice: Daily limit 2 sockeye only; each angler aboard a vessel may deploy salmon angling gear until the daily salmon limit for all licensed and juvenile anglers aboard has been achieved.
8. California Creek (Whatcom County):
The mouth is defined as Drayton Harbor Road Bridge.
9. Canyon Creek (Snohomish County), from mouth to the forks:
Selective gear rules apply.
10. Cascade Creek (San Juan County):
Open from the mouth to Cascade Lake from the first Saturday in June until further notice.
Selective gear rules apply. Daily limit 10 eastern brook trout only; release all other fish.

11. Channel Creek (Whatcom County):
Open the first Saturday in June until further notice.
12. Chaplain Lake (Snohomish County): Closed.
13. Clover Creek (Pierce County) upstream of Steilacoom Lake, including all tributaries:
Selective gear rules apply. Trout minimum length 14 inches.
14. Deschutes River (Thurston County):
 - (a) From old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park: Open for trout year round, catch and release only.
 - (b) From Henderson Boulevard Bridge upstream, it is permissible to fish from a floating device equipped with an internal combustion motor.
15. Ebey Lake (Little Lake, Snohomish County):
Open under statewide general rules.
16. Fork Creek (Pacific County):
From Forks Creek Hatchery Rack upstream 500 feet to fishing boundary sign, open to anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card.
17. Hoh River (Jefferson County):
 - (a) From Olympic National Park boundary upstream to DNR Oxbow Campground Boat Launch: From the first Saturday in June until further notice, trout minimum length 14 inches, except it is permissible to retain hatchery (adipose clipped) trout less than 14 inches in length, as part of the limit.
 - (b) From DNR Oxbow Campground Boat Launch to Willoughby Creek: Selective gear rules apply May 16 until further notice.
18. Hutchinson Creek (Whatcom County): Closed.
19. Minter Creek (Pierce/Kitsap counties), from the mouth to the hatchery rack:
Open for trout only the first Saturday in June until further notice. Selective gear rules apply. Minimum length 14 inches.
20. Nisqually River (Pierce County):
 - (a) From the mouth to Military Tank Crossing Bridge:
 - (i) All species: Fishing from any floating device prohibited July 28 through July 30.
 - (ii) Salmon: Daily limit 6; no more than 2 adults may be retained plus 2 additional adult pink salmon.
 - (b) From Military Tank Crossing Bridge to 400 feet below LaGrande Powerhouse, it is permissible to fish from a floating device equipped with an internal combustion motor.
 - (c) From Alder Reservoir upstream including all tributaries, open the Saturday before Memorial Day until further notice. Selective gear rules apply.

21. Nooksack River, South Fork (Skagit/Whatcom counties):
Upstream from and including Wanlick Creek, and including all tributaries: open the Saturday before Memorial Day until further notice; fly fishing only; catch and release only.
22. Pilchuck Creek (Snohomish County):
 - (a) From the mouth to Highway 9 Bridge, it is permissible to fish from a floating device equipped with an internal combustion motor.
 - (b) From Pilchuck Falls upstream, including all tributaries and their tributaries, and all tributaries to Lake Cavanaugh, open the Saturday before Memorial Day until further notice.
23. Pratt River (King County):
Open the Saturday before Memorial Day until further notice. It is permissible to fish from a floating device equipped with an internal combustion motor.
24. Puyallup River (Pierce County), from the mouth (11th St. Bridge) to the mouth of the White River: Closed.
25. Ross Lake (Whatcom County):
 - (a) Tributaries to the tributaries, except Big Beaver Creek and Ruby Creek, are open July 1 until further notice, from one mile above their mouths to the headwaters.
 - (b) Tributaries to Ruby Creek open July 1 until further notice.
26. Shady Lake (King County):
Open the fourth Saturday in April until further notice.
27. Skagit River (Skagit/Whatcom counties):
 - (a) From mouth to Hwy 536 at Mt. Vernon:
 - (i) Open through May 31 for trout only: Selective gear rules apply; hooks must measure $\frac{1}{2}$ " or less from point to shank; release all fish other than trout.
 - (ii) July 1 through July 31, hooks must measure $\frac{1}{2}$ " or less from point to shank.
 - (b) From Hwy 536 at Mt. Vernon to mouth of Gilligan Creek: July 1 through July 31, hooks must measure $\frac{1}{2}$ " or less from point to shank. Salmon closed June 16 through July 15.
 - (c) From mouth of Gilligan Creek to the Dalles Bridge at Concrete: June 1 until further notice, hooks must measure $\frac{1}{2}$ " or less from point to shank.
 - (d) From the Dalles Bridge at Concrete to Hwy 530 bridge at Rockport: June 1 until further notice, hooks must measure $\frac{1}{2}$ " or less from point to shank.
 - (e) From Hwy 530 bridge at Rockport to Cascade River Road: July 16 until further notice, hooks must measure $\frac{1}{2}$ " or less from point to shank.
28. Skokomish River (Mason County), from the mouth to Bonneville power lines (upstream of Hwy 101 at approximately 47°18.88'N, 123°11.26'W): Closed.

29. Skookumchuck River (Thurston County):

(a) From the mouth to 100 feet below the outlet of the PP&L/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam: From the first Saturday in June until further notice, trout minimum length 14 inches, except it is permissible to retain hatchery (adipose-clipped) trout less than 14 inches in length, as part of the daily limit.

(b) From Skookumchuck Reservoir upstream, it is permissible to fish from a floating device equipped with an internal combustion motor.

30. Skykomish River (Snohomish County), from the mouth to Wallace River:

Salmon: Open June 1 through July 31; minimum length 12 inches; daily limit 4 hatchery Chinook only, of which no more than 2 may be adult Chinook.

31. Tahuya River (Mason County):

The mouth is defined as North Shore Road Bridge.

32. Taylor River (King County):

Open the Saturday before Memorial Day until further notice. It is permissible to fish from a floating device equipped with an internal combustion motor.

33. Tolt River (King County):

It is permissible to fish from a floating device equipped with an internal combustion motor. Open the Saturday before Memorial Day until further notice, from the falls upstream on the North Fork including all tributaries, and from the dam upstream on the South Fork.

34. Tolt River, North Fork (King County), from falls upstream, and all tributaries:

Open the Saturday before Memorial Day until further notice. It is permissible to fish from a floating device equipped with an internal combustion motor.

35. Tolt River, South Fork (King County), from dam upstream:

Open the Saturday before Memorial Day until further notice. It is permissible to fish from a floating device equipped with an internal combustion motor.

36. Umbrella Creek (Clallam County), outside Olympic National Park, including tributaries and Elk Lake:

It is permissible to retain hatchery (adipose-clipped) trout less than 14 inches in length, as part of the daily limit. Release all Kokanee.

37. Vance Creek/Elma Ponds (Grays Harbor County):

Pond One (Bowers Lake) is open only to juvenile anglers, seniors, and anglers with a disability who possess a designated harvester companion card.

38. Wallace River (Snohomish County):

(a) From the mouth to 363rd Ave SE/Reece Rd, night closure and anti-snagging rule in effect June 1 until further notice.

(b) From Wallace Falls upstream, including all tributaries and their tributaries, open the Saturday before Memorial Day until further notice.

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 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.

(13-85, 4/26/2013)

