



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 13-86

- Immediately upon filing.
- Later (specify) _____

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Repealed: WAC 232-28-61900R
 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: One of the provisions of the Washington Fish and Wildlife Commission's new draft policy, "Columbia River Basin Salmon Management," requires sport anglers fishing for salmon and steelhead in the mainstem Columbia River to use barbless hooks beginning in 2013. This regulation is needed to maintain concurrent regulations between Oregon and Washington in those waters of the mainstem Columbia River where the two states share a boundary. In addition, this regulation is needed to implement the barbless-hook requirement for Columbia River tributaries that was adopted during the recent North of Falcon process. These rules are interim until permanent rules take effect.

Date adopted: April 30, 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 30, 2013

TIME: 4:00 PM

WSR 13-10-076

(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 232-28-61900H Freshwater exceptions to statewide rules—Columbia River and tributaries.

Notwithstanding the provisions of WAC 232-28-619 and WAC 220-56-123, it is unlawful to use other than barbless hooks while fishing for salmon and steelhead in the following waters during the dates and areas listed below:

(1) Effective immediately until further notice:

Columbia River North Jetty.

Columbia River from Buoy 10 upstream to the Oregon/Washington border above McNary Dam.

- a) From a line projected 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, barbless hooks are also required while fishing for cutthroat trout.

(2) Effective May 1 until further notice:

Cispus River (Lewis County) from mouth (posted markers at the Lewis County PUD kayak launch) upstream to North Fork.

Cowlitz River (Cowlitz/Lewis County) from boundary markers at mouth to 400' below powerhouse at Mayfield Dam.

- b) From the first Saturday in June until further notice, barbless hooks are also required while fishing for trout.

Cowlitz River (Cowlitz/Lewis County) from posted sign on Peters Road to mouth of Ohanepecosh and Muddy Fork.

Drano Lake (Skamania County).

Lewis River (Clark/Cowlitz County) from mouth to mouth of East Fork.

Lewis River, North Fork (Clark/Cowlitz County) from mouth of East Fork to Johnson Creek.

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

Klickitat River (Klickitat County) from mouth to Fisher Hill Bridge.

Scanewa Lake (Cowlitz Falls Reservoir) (Lewis County).

White Salmon River (Klickitat/Skamania County) from mouth to county road bridge below the powerhouse.

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

(3) Effective June 1 until further notice:

Blue Creek (Lewis County) from mouth to posted sign above rearing pond outlet.

Klickitat River (Klickitat County) from 400' upstream from #5 fishway to Yakama Reservation boundary.

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

Skamokawa Creek (Wahkiakum County) from mouth (Hwy. 4 Bridge) to forks below Oatfield and Middle Valley Road.

(4) Effective the first Saturday in June until further notice:

Abernathy Creek (Cowlitz County) from mouth (Hwy. 4 Bridge) to posted markers 500' below salmon hatchery.

Cedar Creek (tributary of North Fork Lewis River) (Clark County).

Coal Creek (Cowlitz County) from mouth to 400' below falls.

Cowlitz River (Cowlitz/Lewis County) Clear Fork and Muddy Fork.

Coweeman River (Cowlitz County).

Elochoman River (Wahkiakum County) from mouth to West Fork.

Germany Creek (Cowlitz County) from mouth to end of Germany Creek Road (approximately 5 miles).

Grays River (Wahkiakum County) from mouth to South Fork.

Grays River, West Fork (Wahkiakum County) from mouth to hatchery intake/footbridge.

Green River (Cowlitz County) from mouth to Miner's Creek.

Hamilton Creek (Skamania County).

Lacamas Creek (tributary to Cowlitz River) (Lewis County).

Lewis River, East Fork (Clark County) from mouth to 400' downstream of Horseshoe Falls.

Little Washougal River (Clark County).

Mill Creek (Cowlitz County).

Mill Creek (tributary to Cowlitz River) (Lewis County) from mouth to hatchery road crossing culvert.

Olequa Creek (Lewis County).

Rock Creek (Skamania County).

Salmon Creek (Clark County) from mouth to 72nd Ave. Bridge.

Tilton River (Lewis County) from mouth to West Fork.

Toutle River (Cowlitz County) from mouth to forks.

Toutle River, North Fork (Cowlitz County) from mouth to posted deadline downstream from fish collection facility.

Toutle River, South Fork (Cowlitz County).

Washougal River (Clark County) from mouth to Salmon Falls.

Washougal River West (North Fork) (Clark County) from intake at WDFW hatchery upstream.

White Salmon River (Klickitat/Skamania County) from county road bridge powerhouse to 400' below Big Brother Falls.

(5) Effective June 16 until further notice:

Camas Slough (Clark County).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900R Freshwater exceptions to statewide rules. (13-68)

EMERGENCY RULE ONLY

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() 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.

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(13-86, 4/30/2013)

