



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 13-104

- 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Repealed: WAC 232-28-61900A
 Amended: WAC 232-28-619
 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 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: May 17, 2013

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 17, 2013

TIME: 3:14 PM

WSR 13-11-091

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

Notwithstanding the provisions of WAC 232-28-619, effective immediately 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. Until further notice, the following waters are open the Saturday before Memorial Day:

<u>Water Body</u>	<u>County</u>
Bird Creek	Klickitat
Canyon Creek	Clark
Little White Salmon River	Skamania
Outlet Creek	Klickitat
Spring Cr. (Goldendale Hatchery)	Klickitat
3. Blue Creek (Lewis County), from mouth to posted sign above rearing pond outlet:
Open to all licensed anglers. Open for trout only June 1 until further notice.
4. Columbia River, including impoundments and all connecting sloughs, except Wells Ponds:
Salmon and trout handling rules apply, except effective immediately through June 15 in the mainstem Columbia from the Rocky Point/Tongue Point line upstream to OR/WA border, the rules apply only when fishing from vessels less than 30 feet in length (as substantiated by Coast Guard documentation or Marine Board registration).
5. Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County):
Salmon open year round.
6. Cowlitz River (Lewis County):
Closed waters from within a 100-foot radius of the new Cowlitz Trout Hatchery outfall structure, except anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card may fish within posted markers when adjacent waters are open.
7. Fort Borst Park Pond (Lewis County):
Open to all licensed anglers until further notice.

8. Green River (Cowlitz County):
From the mouth to 400 feet below the Toutle Hatchery water intake, open May 25 through May 31, 2013. Selective gear rules apply. Release all trout, except anglers may retain up to 2 hatchery steelhead.
9. Kalama River (Cowlitz County):
Anglers may retain up to 2 hatchery steelhead from: (a) 1,000 feet above the fishway at the upper salmon hatchery, upstream to Summers Creek; (b) Summers Creek upstream to 6420 Road (about 1 mile above gate at end of county road).
10. Lewis River (Clark County):
Fishing with two poles is permissible from Railroad Bridge near Kuhns Road upstream to mouth of East Fork Lewis, so long as the angler possesses a two-pole endorsement.
11. Lewis River, North Fork (Clark/Skamania counties):
Fishing with two poles is permissible from mouth to Johnson Creek, so long as the angler possesses a two-pole endorsement.
12. Merwin Lake (Reservoir) (Clark/Cowlitz County):
Kokanee limit is 10. Kokanee do not count as part of the trout daily limit.
13. Rainey Creek (Lewis County), from the mouth to Highway 12:
Release cutthroat and rainbow trout except those having a clipped adipose fin and a healed scar at the location of the clipped fin. Trout limit 5.
14. Silver Creek (tributary to Cowlitz River) (Lewis County):
Trout minimum length is 14 inches.
15. Skate Creek (Lewis County):
Statewide general rules in effect. Release cutthroat.
16. Swift Reservoir (Skamania County):
Landlocked salmon rules apply: Maximum length 15 inches.
17. Tilton River (Lewis County), from the mouth to West Fork:
Trout retention follows statewide general rules. Release cutthroat.
18. Toutle River, South Fork (Cowlitz County):
From the mouth to 4700 Road Bridge, open May 25 through May 31, 2013. Selective gear rules apply. Catch and release only, except anglers may retain up to 2 hatchery steelhead.

19. Vancouver Lake (Clark County):

From the flushing channel and the lake shoreline 400' east and west from the channel exit: Closed through May 31.

20. Washougal River (Clark Co):

From Mt. Norway Bridge upstream to Salmon Falls, anti-snagging rule and stationary gear restrictions are rescinded until further notice.

21. White Salmon River (Klickitat/Skamania counties):

From the county road bridge below the powerhouse upstream to Big Brothers Falls (river mile 16):

- (a) Closed waters from Big Brothers Falls downstream 400 feet.
- (b) Open the first Saturday in June until further notice.
- (c) Selective gear rules apply.

22. Wind River (Skamania County):

(a) From 100 feet above Shipherd Falls to boundary marker approximately 800 yards downstream of Carson National Fish Hatchery, all tributaries are closed.

(b) Closed waters from Moore Bridge upstream to river source, including all tributaries.

R E P E A L E R

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900A Exceptions to statewide rules. (13-80)

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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