



# 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 13-117**

- 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Repealed: WAC 232-28-61900C, WAC 232-28-61900E  
 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: The hatchery brood stock goal has been met, allowing the Lewis River to re-open for hatchery spring Chinook. There is insufficient time to adopt permanent rules.

**Date adopted:** June 5, 2013

**NAME (TYPE OR PRINT)**

Philip Anderson

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: June 05, 2013**

**TIME: 4:22 PM**

**WSR 13-13-003**

(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:**

<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	New	_____	Amended	_____	Repealed	_____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	_____
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**The number of sections adopted in the agency's own initiative:**

New	<u>1</u>	Amended	_____	Repealed	<u>2</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:**

<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 232-28-61900I Freshwater exceptions to statewide rules.**

Notwithstanding the provisions of WAC 232-28-619, effective immediately, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

Columbia River from the Megler-Astoria Bridge to a projected line from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank:

- (a) Effective July 1 through July 31, release adult Chinook and sockeye.

Columbia River from a line projected line from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank (Rocky Point/Tongue Point line) to Bonneville Dam:

- (a) Effective immediately through June 15, open for fishing for salmonids from the Tongue Point/Rocky Point line upstream to 600 feet downstream of the fish ladder at the new Bonneville Dam powerhouse (#2). However, closed to fishing from boats upstream of Beacon Rock (defined as a deadline marker on the Oregon bank, located approximately four miles downstream from Bonneville Dam Powerhouse #1, projecting a straight line through the western tip of Pierce Island to a deadline marker on the Washington bank at Beacon Rock).

- (i) Daily salmonid limit is 6 fish (hatchery Chinook or hatchery steelhead), of which no more than 2 may be adults and no more than 1 may be an adult Chinook. Release all sockeye, wild Chinook and wild steelhead. Salmon minimum size is 12 inches.

- (b) From the Rocky Point/Tongue Point line upstream to Bonneville Dam: Effective July 1 through July 31, release adult Chinook and sockeye.

Columbia River from the Rocky Point/Tongue Point line upstream to the Oregon/Washington border: Effective immediately through June 15, when open for salmon and steelhead it is unlawful when fishing from vessels which are less than 30 feet in length, substantiated by Coast Guard documentation or Marine Board registration, to totally remove from the water any salmon or steelhead required to be released.

Deep River (Wahkiakum Co.): Effective immediately through June 15, 2013: the hatchery adult Chinook daily limit will be the same as the adjacent mainstem Columbia River during those days when the mainstem Columbia River is open for adult Chinook retention. When the adjacent mainstem Columbia River is closed for adult Chinook retention, the salmon daily limit will revert to permanent rules for Deep River.

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

- (a) Effective immediately through July 31, release all Chinook.
- (b) Until further notice, stationary gear restriction has been rescinded.

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

a) Effective immediately through June 6, release all Chinook.

(b) Effective June 7 through July 31, the salmon daily limit is 6 hatchery Chinook of which no more than 2 may be adults. Release all salmon other than hatchery Chinook. Minimum size is 12 inches.

Lewis River, North Fork (Clark/Cowlitz County) from mouth of East Fork to overhead powerlines below Merwin Dam:

(a) Effective immediately through June 6, release all Chinook.

(b) Effective June 7 through July 31, the salmon daily limit is 6 hatchery Chinook of which no more than 2 may be adults. Release all salmon other than hatchery Chinook. Minimum size is 12 inches.

Washougal River (Clark County) from mouth to Salmon Falls: Until further notice, stationary gear restriction has been rescinded.

Wind River from the mouth (boundary line/markers) upstream, including all tributaries.

(a) Effective immediately until further notice, the two-pole endorsement has been rescinded.

## REPEALERS

The following sections of the Washington Administrative Code are repealed:

WAC 232-28-61900C Exceptions to statewide rules—Columbia River and tributaries. (13-109)

WAC 232-28-61900E Exceptions to statewide rules—Skagit River. (13-56)

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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 hatchery brood stock goal has been met, allowing the Lewis River to re-open for hatchery spring Chinook. There is insufficient time to adopt permanent rules. (13-117, 6/5/2013)

