



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 13-170

- Immediately upon filing.
- Later (specify) 12:01 a.m. August 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Repealed: WAC 220-55-22000E, 220-56-12800L, 220-56-13600A
 Amended: WAC 220-55-220, 220-56-105, 220-56-124, 220-56-128, 220-56-136, 220-56-195, 220-56-500
 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 adopting permanent rules that are necessary to implement the personal-use fishing plans 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: July 31, 2013

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 31, 2013

TIME: 2:47 PM

WSR 13-16-047

(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>7</u>	Amended	_____	Repealed	<u>3</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 220-55-22000F Two-pole endorsement.

Notwithstanding the provisions of WAC 220-55-220, effective August 1, 2013, until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

The use of two poles is allowed in the following waters:

- (1) Drano Lake (Skamania County) from September 15 until further notice.
- (2) Columbia River within Camas Slough.
- (3) Columbia River from Priest Rapids Dam to Chief Joseph Dam, effective immediately through August 31.
- (4) Lewis River (Clark/Skamania County) from the mouth to mouth of the East Fork Lewis River.
- (5) North Fork Lewis River (Clark/Cowlitz County) from the mouth to Johnston Creek.
- (6) Naselle River (Pacific/Wahkiakum counties) from Highway 101 bridge to Highway 401.
- (7) Okanogan River (Okanogan County).
- (8) Marine Area 8-2 (Port Susan and Port Gardner): Tulalip Terminal Area, effective immediately through September 22.
- (9) Marine Area 10 (Seattle/Bremerton Area): Sinclair Inlet.

The use of two poles is not allowed in the following waters:

- (1) Wind River (Skamania County).

NEW SECTION

WAC 220-56-10500H River mouth definitions.

Notwithstanding the provisions of WAC 220-56-105, effective August 1, 2013, until further notice, when pertaining to angling, unless otherwise defined, any reference to the mouths of rivers or streams includes those waters of any river or stream, including sloughs and tributaries, upstream and inside of a line projected between the outermost uplands at the mouth. The term "outermost upland" means those lands not covered by water during an ordinary high tide. The following river mouths are hereby otherwise defined as and are in effect:

- (1) California Creek – Drayton Harbor Road bridge
- (2) Tahuya River – North Shore Road bridge

NEW SECTION

WAC 220-56-12400M Seasons and areas--Hoodsport Hatchery.

Notwithstanding the provisions of WAC 220-56-124, effective August 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) Hoodsport Salmon Hatchery ADA-access site: Persons with disabilities who permanently use a wheelchair and who have a designated harvester card under WAC 220-55-065 may fish from the ADA-access site at the Hoodsport Salmon Hatchery as long as such persons follow all applicable rules.

NEW SECTION

WAC 220-56-12800M Food fish fishing--Closed Areas.

Notwithstanding the provisions of WAC 220-56-128, effective August 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) Persons with disabilities who permanently use a wheelchair and have a designated harvester card under WAC 220-55-065 may fish from the ADA-accessible site at the Hoodsport Salmon Hatchery, provided such persons follow all applicable rules and regulations of the adjoining waters of Marine Area 12.
- (2) Freshwater Bay – Waters south of a line from Angeles Point to Observatory Point (Bachelor Rock) are closed immediately until further notice.

NEW SECTION

WAC 220-56-13600B Dash Point Dock public fishing pier.

Effective immediately until further notice, it is unlawful to fish for or possess food fish or shellfish taken within 100 yards of the Dash Point Dock public fishing pier except while fishing from the Dash Point Dock public fishing pier. Violation of this section is an infraction, punishable under RCW 77.15.160.

NEW SECTION

WAC 220-56-19500A Closed areas--Saltwater salmon angling.

Notwithstanding the provisions of WAC 220-56-195, effective August 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) Port Angeles Harbor – Waters westerly of a line from the tip of Ediz Hook to the I.T.T. Rayonier Dock are closed to fishing for salmon immediately until further notice.

NEW SECTION

WAC 220-56-50000C Game fish seasons.

Notwithstanding the provisions of WAC 220-56-500, effective August 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) Persons with disabilities who permanently use a wheelchair and have a designated harvester card under WAC 220-55-065 may fish from the ADA-accessible site at the Hoodspout Salmon Hatchery, provided such persons follow all applicable rules and regulations of the adjoining waters of Marine Area 12.
- (2) Freshwater Bay – Waters south of a line from Angeles Point to Observatory Point (Bachelor Rock) are closed immediately until further notice.

REPEALERS

The following sections of the Washington Administrative Code are repealed effective 12:01 a.m. August 1, 2013:

- WAC 220-55-22000E Two-pole endorsement. (13-82)
- WAC 220-56-12800L Food fish fishing—closed areas. (13-82)
- WAC 220-56-13600A Dash Point Dock public fishing pier. (13-74)

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 adopting permanent rules that are necessary to implement the personal use fishing plans agreed-to with resource co-managers at the North of Falcon proceedings. All of these rules are interim until permanent rules take effect. **(13-170, 7/31/2013)**

