



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 13-174

- 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Repealed: WAC 232-28-61900B, WAC 232-28-62000X
 Amended: WAC 232-28-619, WAC 232-28-620
 Suspended:

Statutory authority for adoption: RCW 77.12.045, 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 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. These emergency rules are necessary to comply with agreed-to management plans, and are interim until permanent rules take effect.

Date adopted: August 1, 2013

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 01, 2013

TIME: 1:27 PM

WSR 13-16-053

**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>2</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:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

NEW SECTION

WAC 232-28-61900B Freshwater exceptions to statewide rules.

Notwithstanding the provisions of WAC 232-28-619, effective immediately until further notice, it is unlawful to violate the provisions below. Unless otherwise amended, all permanent rules remain in effect:

Humptulips River (Grays Harbor County), including all channels, sloughs, and interconnected waterways:

1. From the mouth (Jessie Slough) to Highway 101 Bridge:
 - a. August 16 until further notice: Night closure and single-point barbless hooks required.
 - b. September 1 until further notice: Open for salmon. Daily limit 6; no more than 3 adults, of which only 1 can be a Chinook and 1 a wild coho. Chum retention permitted.
2. From Highway 101 Bridge to confluence of the East and West forks:
 - a. September 1 until further notice: It is unlawful to fish from a floating device equipped with an internal combustion motor for all species.
 - b. September 1 until further notice: Open for salmon. Daily limit 6; no more than 3 adults, of which only 1 can be a Chinook and 1 a wild coho. Release chum.

Bear River (Pacific County): From mouth (Highway 101 Bridge) to Lime Quarry Road: August 16 until further notice: Anti-snagging rule, night closure, and barbless hooks required.

Chehalis River (Grays Harbor County), including all channels, sloughs, and interconnected waterways:

1. From the mouth (Highway 101 Bridge in Aberdeen) to Porter Bridge.
 - a. September 1 until further notice: Open for salmon. Daily limit 6; no more than 3 adults, of which only 2 may be wild coho. Release adult Chinook. Chum retention permitted.
2. From Porter Bridge to the confluence with Skookumchuck River.
 - a. September 1 until further notice: Open for salmon. Daily limit 6; no more than 3 adults, of which only 2 may be wild coho. Release chum and adult Chinook.
3. From the Skookumchuck River to high bridge on Weyerhaeuser 1000 line approximately 400 yards downstream of Roger Creek:
 - a. September 16 until further notice: Open for salmon: Daily limit 6; no more than 3 adults, of which only 2 may be wild coho. Release chum and Chinook.

Naselle River (Pacific/Wahkiakum County):

1. From Highway 101 Bridge to Highway 4 Bridge: Effective immediately until further notice, night closure, anti-snagging rule, and barbless hooks required.
2. From Highway 101 to Highway 401: Effective immediately until further notice, anglers may fish with a Two-Pole Endorsement.
3. From Highway 4 Bridge to the Crown Mainline (Salme) Bridge: Closed from upstream entrance of the hatchery attraction channel downstream 400 feet.

4. From Highway 4 upstream to the full spanning concrete diversion structure at the Naselle Hatchery: Closed until further notice. Effective immediately until further notice, internal combustion motors prohibited.

Nemah River, Middle Fork (Pacific County):

From the mouth upstream to the Department of Natural Resources bridge on the Middle Nemah A-Line Road: September 1 until further notice, open for salmon. Daily limit 6; no more than 2 adults. Release wild Chinook, wild coho and chum.

North River (Grays Harbor/Pacific County):

From Salmon Creek to Fall River: August 16 until further notice, night closure, anti-snagging rule, and single-point barbless hooks required.

Palix River, including all forks (Pacific County):

From the Highway 101 Bridge to the mouth of the Middle Fork: September 1 until further notice, open for salmon. Daily limit 6; no more than 2 adults, of which only 1 may be a wild coho. Release chum and wild Chinook.

Satsop River and East Fork (Grays Harbor/Mason County):

1. From the mouth to the dam:
 - a. Effective August 16 until further notice, night closure and single-point barbless hooks required.
 - b. September 16 until further notice: Chum retention is permitted. Release wild adult Chinook.

Willapa River, South Fork (Pacific County):

From the mouth to the bridge on Pehl Road: August 1 until further notice, night closure, anti-snagging rule, and barbless hooks required.

Wishkah River (Grays Harbor County):

1. Mouth to West Fork: September 16 until further notice, open for salmon. Daily limit 6; no more than 2 adults, of which only 1 may be a wild coho. Release Chinook and chum.
2. From the mouth of the West Fork to 200 feet below the weir at the Wishkah Rearing Ponds: Closed from 150 feet upstream to 150 feet downstream of the Wishkah adult attraction channel/outfall structure (within the posted fishing boundary), except for anglers with disabilities who permanently use a wheelchair and have a designated harvester companion card.

Wynoochee River (Grays Harbor County):

From the mouth to the WDFW White Bridge Access Site: September 16 until further notice, bait is permitted. Chum retention is permitted.

NEW SECTION

WAC 232-28-62000X Coastal salmon —saltwater seasons and daily limits.

Notwithstanding the provisions of WAC 232-28-620, effective immediately until further notice, it is unlawful to violate the provisions below. Unless otherwise amended, all permanent rules remain in effect:

1. **Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):**
 - a. September 16 through September 22: Daily limit 3 salmon; no more than 1 of which may be a Chinook salmon. Chum retention permitted.
 - b. September 23 until further notice: Daily limit 3 salmon; release Chinook. Chum retention permitted.
2. **Grays Harbor (Catch Record Card Area 2-2 west of the Buoy 13 line):**
 - a. Effective immediately through August 10: Open concurrent with Area 2 when Area 2 is open to salmon angling. Area 2 rules apply.
 - b. August 11 until further notice: Closed.

REPEALERS

The following sections of the Washington Administrative Code are repealed effective October 1, 2013:

WAC 232-28-61900B Exceptions to statewide rules.

WAC 232-28-62000X Coastal salmon—saltwater seasons and daily limits.

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.

(13-174, 8/1/2013)

