



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 13-232

- Immediately upon filing.
- Later (specify) September 13, 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Repealed: WAC 232-28-61900F
 Amended: WAC 232-28-619
 Suspended:

Statutory authority for adoption: RCW 77.04.020, 77.04.055, and 77.12.047

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: Record breaking abundance of upriver fall Chinook returns to the Columbia River have resulted in additional Chinook being available for harvest in non-Indian fisheries. Increasing both area and daily bag limits in recreational fisheries provides opportunity to access these Chinook, while remaining within Endangered Species Act constraints. There is insufficient time to adopt permanent rules.

Date adopted: September 12, 2013

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 12, 2013

TIME: 5:02 PM

WSR 13-19-042

**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	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in the agency's own initiative:

New	<u>1</u>	Amended	_____	Repealed	<u>1</u>
-----	----------	---------	-------	----------	----------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

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

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:

1. Abernathy Creek (Cowlitz Co.) from mouth (Hwy. 4 Bridge) to posted markers 500 feet below salmon hatchery: Effective immediately until further notice, barbless hooks required for steelhead.
2. Blue Creek (Lewis Co.) from mouth to posted sign above rearing pond outlet: Effective immediately until further notice, barbless hooks required for steelhead.
3. Camas Slough: Effective immediately until further notice, barbless hooks required for salmon and steelhead.
4. Cedar Creek (tributary of North Fork Lewis River) (Clark Co.): Effective immediately until further notice, barbless hooks required for steelhead.
5. Cispus River (Lewis Co.) from mouth to North Fork: Effective immediately until further notice, barbless hooks required for steelhead.
6. Coal Creek (Cowlitz Co.) from mouth to 400 feet below falls: Effective immediately until further notice, barbless hooks required for steelhead.
7. Columbia River from a true north/south line through Buoy 10 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 immediately until further notice, barbless hooks required for salmon and steelhead.
 - (b) Effective September 13 through September 30, 2013, hatchery Chinook retention allowed. For the purposes of this regulation, the only Chinook that can be retained are those with a clipped adipose fin and a healed scar at the location of the fin. Release all wild Chinook.
 - a. Chinook minimum size 24-inches. Coho minimum size 16-inches.
 - b. Daily limit 2 hatchery salmon or hatchery steelhead, or 1 of each.
 - (c) Effective October 1 through December 31, 2013: Minimum size 12-inches. Daily limit 6. Up to 2 may be adult salmon or hatchery steelhead, or 1 or each. Release all salmon except Chinook and hatchery coho.

8. Columbia River 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 (Rocky Point/Tongue Point line) to Bonneville Dam:
 - (a) Effective immediately until further notice, barbless hooks required for salmon and steelhead.
 - (b) Effective immediately until further notice, barbless hooks required for cutthroat trout from the Rocky Point/Tongue Point line upstream to the I-5 Bridge.
 - (c) Downstream of a line from a line projected from the Warrior Rock lighthouse through Red Buoy #4 to the orange marker atop the dolphin on the Washington shore:
 - i. Effective September 13 through September 30, release wild Chinook.
 - ii. Daily limit 6 salmon or steelhead. Up to 2 may be adult hatchery salmon or hatchery steelhead, or 1 of each.
 - (d) Effective October 1 through December 31, 2013, until further notice: Daily limit 6. Up to 2 may be adult salmon or hatchery steelhead or 1 of each. Release all salmon other than Chinook and hatchery coho.
9. Columbia River from the Tongue Point/Rocky Point Line upstream to the Highway 395 Bridge near Pasco, Washington. Effective September 13 through December 31, 2013 : Each (legal) angler aboard a vessel may continue to deploy angling gear until the daily limit of salmon/steelhead for all licensed and juveniles anglers aboard has been achieved.
10. Columbia River from Bonneville Dam to Chief Joseph Dam: Salmon open until further notice. Effective immediately until further notice, barbless hooks required for salmon and steelhead.
11. Coweeman River (Cowlitz Co.): Effective immediately until further notice, barbless hooks required for steelhead.
12. Cowlitz Falls Reservoir (Lake Scanewa) (Lewis Co.): Effective immediately until further notice, barbless hooks required for salmon and steelhead.
13. Cowlitz River (Cowlitz Co.) from mouth to 400 feet below Mayfield Powerhouse: Effective immediately until further notice, barbless hooks required for salmon, steelhead, and cutthroat trout.
14. Cowlitz River (Cowlitz Co.) from posted PUD sign on Peters Rd. to the mouth of Ohanepecosh and mouth of Muddy Fork: Effective immediately until further notice, barbless hooks required for salmon and steelhead.
15. Drano Lake (waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery) (Skamania Co.): Effective immediately until further notice, barbless hooks required for salmon and steelhead.
16. Elochoman River (Wahkiakum Co.) from mouth to West Fork: Effective immediately until further notice, barbless hooks required for salmon and steelhead.

17. Germany Creek (Cowlitz Co.) from mouth to end of Germany Creek Road (approximately 5 miles): Effective immediately until further notice, barbless hooks required for steelhead.
18. Grays River (Wahkiakum Co.) from mouth to mouth of South Fork: Effective immediately until further notice, barbless hooks required for salmon and steelhead.
19. Grays River, West Fork (Wahkiakum Co.) from mouth to hatchery intake/footbridge: Effective immediately until further notice, barbless hooks required for salmon and steelhead.
20. Green River (Cowlitz Co.) from mouth to Miner's Creek: Effective immediately until further notice, barbless hooks required for salmon and steelhead.
21. Hamilton Creek (Skamania Co.): Effective immediately until further notice, barbless hooks required for steelhead.
22. Kalama River (Cowlitz Co.) from boundary markers at the mouth to 1,000 feet below the fishway at upper salmon hatchery:
 - (a) Effective immediately until further notice, barbless hooks required for salmon and steelhead.
 - (b) Effective immediately until further notice, stationary gear restriction has been rescinded.
23. Klickitat River (Klickitat Co.) from mouth to Yakama reservation boundary: Effective immediately until further notice, barbless hooks required for salmon and steelhead.
24. Lacamas Creek (tributary of Cowlitz River) (Lewis Co.): Effective immediately until further notice, barbless hooks required for steelhead.
25. Lewis River (Clark Co.) from mouth to forks: Effective immediately until further notice, barbless hooks required for salmon and steelhead.
26. Lewis River, East Fork (Clark/Skamania counties) from mouth to 400 feet downstream of Horseshoe Falls: Effective immediately until further notice, barbless hooks required for steelhead.
27. Lewis River, North Fork (Clark/Skamania counties) from mouth to overhead powerlines below Merwin Dam:
 - (a) Effective immediately until further notice, barbless hooks required for salmon and steelhead.
 - (b) Effective immediately through September 30, open for salmon . Daily limit 6 hatchery salmon, of which no more than 2 may be adult Chinook. Release all salmon except hatchery Chinook and hatchery coho.
 - (c) Effective immediately until further notice, Colvin Creek to powerlines, anti-snagging rule is in effect.

28. Little Washougal River (Clark Co.): Effective immediately until further notice, barbless hooks required for steelhead.
29. Mill Creek (Cowlitz Co.): Effective immediately until further notice, barbless hooks required for steelhead.
30. Mill Creek (tributary of Cowlitz River) (Lewis Co.) from mouth to hatchery road crossing culvert: Effective immediately until further notice, barbless hooks required for steelhead.
31. Olequa Creek (Lewis/Cowlitz counties): Effective immediately until further notice, barbless hooks required for steelhead.
32. Rock Creek (Skamania Co.): Effective immediately until further notice, barbless hooks required for steelhead.
33. Salmon Creek (Clark Co.) from mouth to 72nd Ave. Bridge: Effective immediately until further notice, barbless hooks required for steelhead.
34. Skamokawa Creek (Wahkiakum Co.) from mouth (Hwy. 4 Bridge) to forks below Oatfield and Middle Valley Road: Effective immediately until further notice, barbless hooks required for steelhead.
35. Tilton River (Lewis Co.) from mouth to West Fork: Effective immediately until further notice, barbless hooks required for salmon and steelhead.
36. Toutle River (Cowlitz Co.) from mouth to forks: Effective immediately until further notice, barbless hooks required for salmon and steelhead.
37. Toutle River, North Fork (Cowlitz Co.) from mouth to posted deadline downstream of the fish collection facility: Effective immediately until further notice, barbless hooks required for salmon and steelhead.
38. Toutle River, South Fork (Cowlitz Co.): Effective immediately until further notice, barbless hooks required for steelhead.
39. Washougal River (Clark County) from mouth to Salmon Falls:
 - (a) Effective immediately until further notice, barbless hooks required for salmon and steelhead.
 - (b) Effective immediately until further notice, stationary gear restriction has been rescinded.
40. Washougal River, West (North) Fork (Clark/Skamania counties) from water intake at WDFW hatchery upstream: Effective immediately until further notice, barbless hooks required for steelhead.

41. White Salmon River (Klickitat/Skamania counties) from mouth to county road bridge below the powerhouse: Effective immediately until further notice, barbless hooks required for salmon and steelhead.

42. Wind River (Skamania Co.) from mouth to 400 feet below Shipherd Falls: Effective immediately until further notice, barbless hooks required for salmon and steelhead.

REPEALER

The following section of the Washington Administrative Code is repealed effective September 13, 2013:

WAC 232-28-61900F Exceptions to statewide rules—Columbia River and tributaries.

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: Record breaking abundance of upriver fall Chinook returns to the Columbia River have resulted in additional Chinook being available for harvest in non-Indian fisheries. Increasing both area and daily bag limits in recreational fisheries provides opportunity to access these Chinook, while remaining within Endangered Species Act constraints.

(13-232, 9/12/2013)