



# 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 15-129**

- Immediately upon filing.
- Later (specify) May 23, 2015

**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Repealed: WAC 220-310-18500Z  
 Amended: WAC 220-310-185  
 Suspended:

**Statutory authority for adoption:** RCW 77.04.012, 77.04.020 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: Hatchery summer run steelhead are released into these rivers. Returning adults are not needed for broodstock. In addition, on the Elochoman River stray hatchery spring Chinook have been previously found in the system. These fish are also not needed for broodstock. Opening the rivers two weeks early will allow additional opportunity to harvest surplus hatchery steelhead and hatchery spring Chinook. Selective gear rules will be in effect to aid in the release of any remaining juvenile salmonid outmigrants. There is insufficient time to adopt permanent rules.

**Date adopted:** May 15, 2015

**NAME (TYPE OR PRINT)**

J W Unsworth

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: May 15, 2015**

**TIME: 11:44 AM**

**WSR 15-11-051**

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

**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:**

<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 220-310-18500Z Freshwater exceptions to statewide rules—Southwest.**

Notwithstanding the provisions of WAC 220-310-185, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

- (1) **Elochoman River (Wahkiakum Co.):** Effective May 23 through June 5, it is permissible to fish in waters of the Elochoman River from mouth to the bridge located 400 feet below the upper hatchery rack at the site of the former salmon hatchery:
  - (a) Daily limit is six fish of which no more than two may be hatchery adult Chinook or hatchery steelhead, or one of each.
  - (b) Salmon minimum size is 12 inches.
  - (c) Wild Chinook and wild steelhead must be released.
  - (d) Release all fish except hatchery steelhead.
  - (e) Selective gear rules are in effect.
  
- (2) **Green River (Cowlitz Co.):** Effective May 23 through June 5, it is permissible to fish in waters of the Green River from the mouth upstream to 400 feet below the Toutle Hatchery intake:
  - (a) Daily limit is 2 hatchery steelhead.
  - (b) Release all fish except hatchery steelhead.
  - (c) Selective gear rules are in effect.
  
- (3) **South Fork Toutle River (Cowlitz Co.):** Effective May 23 through June 5, it is permissible to fish in waters of the South Fork Toutle River from the mouth upstream to the 4700 Road Bridge:
  - (a) Daily limit is 2 hatchery steelhead.
  - (b) Release all fish except hatchery steelhead.
  - (c) Selective gear rules are in effect.

## REPEALER

The following section of the Washington Administrative Code is repealed effective June 6, 2015:

WAC 220-310-18500Z Freshwater exceptions to statewide rules—Southwest.

---

## **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:** Hatchery summer run steelhead are released into these rivers. Returning adults are not needed for broodstock. In addition, on the Elochoman River stray hatchery spring Chinook have been previously found in the system. These fish are also not needed for broodstock. Opening the rivers two weeks early will allow additional opportunity to harvest surplus hatchery steelhead and hatchery spring Chinook. Selective gear rules will be in effect to aid in the release of any remaining juvenile salmonid outmigrants. There is insufficient time to adopt permanent rules.