



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 16-35

- Immediately upon filing.
- Later (specify) March 10, 2016

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Repealed:
 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: (See Attachment)

Date adopted: February 29, 2016

NAME (TYPE OR PRINT)

J W Unsworth

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 29, 2016

TIME: 12:34 PM

WSR 16-06-088

**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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____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New	_____	Amended	_____	Repealed	_____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	_____
-----	----------	---------	-------	----------	-------

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

Notwithstanding the provisions of WAC 220-310-185, it is unlawful to violate the provisions below. Unless otherwise amended, all permanent rules remain in effect.

(1) Abernathy Creek (Cowlitz County) from mouth (Hwy. 4 Bridge) upstream to 500 feet below Abernathy Fish Technology Center: Effective March 16, 2016 through April 15, 2016, up to 3 hatchery steelhead may be retained. Selective gear rules in effect.

(2) Germany Creek (Cowlitz County) including all tributaries: Effective March 16, 2016 through April 15, 2016, up to 3 hatchery steelhead may be retained.

(3) Kalama River (Cowlitz County) from the boundary markers at the mouth upstream to 1000 feet below fishway at the upper salmon hatchery: Effective March 10, 2016 until further notice, up to 2 hatchery adult Chinook may be retained.

(4) Lewis River (Clark/Cowlitz counties): Effective March 10, 2016 until further notice, all Chinook must be released from the mouth upstream to the overhead powerlines below Merwin Dam.

(5) Mill Creek (Cowlitz County): Effective March 16, 2016 through April 15, 2016, up to 3 hatchery steelhead may be retained.

Reasons for this finding:

(1) Hatchery winter steelhead smolts are released into Abernathy Creek as part of a USFWS hatchery research program. Returning hatchery adults have similar run timing to wild steelhead and may stray to neighboring Mill and Germany creeks. The regulation extends the fishing season for hatchery steelhead in order to support volunteer angling needed for a research study on hatchery strays in Mill, Abernathy, and Germany creeks. Selective gear rules will be in effect to aid in the release of any wild juvenile or adult salmonids that are inadvertently encountered.

(2) The preseason forecast is for 4,900 adult spring Chinook to return to the Kalama in 2016. The hatchery escapement goal of 400 fish is expected to be met and surplus hatchery fish are available for harvest.

(3) The pre-season forecast is for a return of 1,100 adult spring Chinook to the Lewis River in 2016 compared to a hatchery escapement goal of approximately 1,350 fish. The closure is necessary to provide the hatchery with as many returning fish as possible to minimize the shortfall. There is insufficient time to promulgate permanent rules.

(16-35, 2/29/2016)