



RULE-MAKING ORDER EMERGENCY RULE ONLY

**CR-103E (December 2017)
(Implements RCW 34.05.350
and 34.05.360)**

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 01, 2019

TIME: 4:32 PM

WSR 19-11-004

Agency: Washington Department of Fish and Wildlife (19-92)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) May 3, 2019

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: Amends freshwater recreational rules for the Kalama River

Citation of rules affected by this order:

New:
Repealed: WAC 220-312-03000M
Amended: WAC 220-312-030
Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.12.045 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.

Reasons for this finding: This rule is needed to open steelhead retention in the lower Kalama River. Steelhead retention was closed on the lower Kalama River in early April due to limited numbers of fish returning to hatchery facilities that are needed to meet egg production goals. During this time, hatchery facilities on the Kalama River were able to collect additional broodstock and are projected to meet egg collection goals for hatchery winter steelhead programs. There is insufficient time to adopt permanent rules.

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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 on the agency's own initiative:

New	1	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	___

Date Adopted: May 1, 2019

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

WAC 220-312-03000Q Freshwater exceptions to statewide rules—Southwest.

Notwithstanding the provisions of WAC 220-312-030, effective May 3, 2019 until further notice:

- 1) **Cispus River (Lewis Co.):** Salmon: closed.
- 2) **Cowlitz Falls Reservoir (Lake Scanewa) (Lewis Co.):** Salmon: closed.
- 3) **Cowlitz River (Cowlitz Co.):** Salmon: closed.
- 4) **Kalama River (Cowlitz Co.):**
 - (a) From the mouth upstream to 1000 feet below the fishway at the upper salmon hatchery:
 - (i) Salmon and steelhead: The use of barbed hooks is permissible.
 - (ii) Salmon; effective immediately: Daily limit 6; no more than 1 adult may be retained. Release all salmon other than hatchery Chinook and hatchery coho.
 - (b) From 1000 feet above fishway at upper salmon hatchery to Summers Creek: Selective Gear Rules, except the use of barbed hooks is permissible.
 - (c) From Summers Creek to the intersection 6000 and 6420 Roads: fly fishing only, except the use of barbed hooks is permissible.
 - (d) From the intersection 6000 and 6420 Roads to 6600 Road Bridge immediately downstream of Jacks Creek: Selective Gear Rules, except the use of barbed hooks is permissible.
- 5) **Klickitat River (Klickitat Co.):**
 - (a) From the mouth (Burlington Northern Railroad bridge) to Fisher Hill Bridge, effective:
 - (i) Salmon and steelhead; effective immediately through May 24, 2019:
 - (A) Open Mondays, Wednesdays, and Saturdays only.
 - (B) Daily limit 2; no more than 1 may be an adult salmon: Release wild Chinook and wild steelhead.
 - (ii) Salmon; effective May 25, 2019 until further notice: Daily limit 6; no more than 1 adult may be retained: Release wild Chinook.
 - (b) From 400 feet upstream of #5 fishway to boundary markers below Klickitat Salmon Hatchery, effective May 25, 2019 until further notice: Salmon: Daily limit 6; no more than 1 adult may be retained: Release wild Chinook.
- 6) **Lewis River (Clark/Cowlitz Co.):** Salmon: closed.
- 7) **Wind River (Skamania Co.):**
 - (a) From the mouth to 400 feet downstream of Shipherd Falls fish ladder, effective immediately until further notice: Salmon and steelhead: Daily limit 6; no more than 2 hatchery steelhead, or 1 hatchery steelhead and 1 adult salmon may be retained: Release wild Chinook, wild coho, and wild steelhead.

- (b) From 100 feet upstream of Shipherd Falls to 800 yards downstream of Carson National Fish Hatchery, effective immediately until further notice: Daily limit 6; no more than 2 hatchery steelhead, or 1 hatchery steelhead and 1 adult salmon may be retained.

REPEALER

The following section of the Washington Administrative Code is repealed effective May 3, 2019:

WAC 220-312-03000N Southwest – Freshwater exceptions to statewide rules. (19-55)