



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: July 29, 2019

TIME: 3:55 PM

WSR 19-16-044

Agency: Department of Fish and Wildlife (Order 19-168)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) August 1, 2019

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 salmon fishing rules for the Cowlitz Falls Reservoir, as well as Cowlitz, Cispus, Kalama, and Klickitat Rivers,

Citation of rules affected by this order:

New:
 Repealed: WAC 220-312-03000X
 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 salmon seasons for Cowlitz, Cispus, Klickitat, Kalama, Lewis Rivers, as well as Cowlitz Falls Reservoir.

All but the Lewis River and North Fork Toutle River will open under permanent rules as listed in the 2019/2020 Washington Sport Fishing Regulations pamphlet.

Salmon fishing on the Lewis has been closed as a spring Chinook conservation measure as the Lewis River Hatchery is not expected to meet broodstock goals. At this time, spring Chinook have moved into the upper sections of the Lewis River allowing WDFW to open the lower river for fall Chinook harvest opportunity. Spring Chinook conservation measures remain in place upstream of Johnson Creek to achieve conservation objectives by maximizing the number of hatchery fish available for broodstock.

Coho and Fall Chinook salmon returning to the North Toutle Hatchery, located on the Green River, must first migrate through the North Fork Toutle River. The 2019 coho salmon run to the North Fork Toutle hatchery is forecast to be large, allowing for an increase in the adult daily limit. The fall Chinook forecast is too low to support a fishery in this area. Implementing this conservation measure for fall Chinook will maximize the number of hatchery fish available for broodstock and help ensure fishing opportunities in future years. These regulation changes will also align regulations in the North Fork Toutle River with regulations already in place for the Toutle River and Green rivers.

For the other waters listed, spring Chinook conservation objectives have been met and emergency closures are no longer needed. 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	___
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The number of sections adopted on the agency's own initiative:


New	1	Amended	___	Repealed	<u>1</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	___

Date Adopted: July 29, 2019	Signature: 
Name: Amy Windrope for Kelly Susewind	
Title: Director	

NEW SECTION

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

Notwithstanding the provisions of WAC 220-312-030:

(1) Lewis River (Clark/Cowlitz Co.):

- (a) From the mouth to the mouth of the East Fork Lewis River, effective August 1 through August 12:
 - (i) Night Closure for salmon and steelhead fishing.
 - (ii) Salmon:
 - (A) Daily limit 6; up to 4 may be adults, of which 2 may be Chinook.
 - (B) Release all salmon other than hatchery Chinook and hatchery coho.
 - (iii) Release all steelhead.
- (b) From the mouth of the East Fork Lewis River to Johnson Creek, effective August 1 through August 12: Salmon:
 - (i) Daily limit 6; up to 4 may be adults, of which 2 may be Chinook.
 - (ii) Release all salmon other than hatchery Chinook and hatchery coho.
- (c) From Johnson Creek to the overhead power lines below Merwin Dam, effective August 1, 2019 until further notice: Salmon:
 - (i) Daily limit 6; up to 4 may be adults.
 - (ii) Release all salmon other than hatchery coho.

(2) Toutle River, North Fork (Cowlitz Co.), from the mouth (confluence with South Fork) to posted markers downstream of the fish collection facility; salmon, effective August 1 until further notice:

- (a) Daily limit 6; up to 4 may be adults.
- (b) Release all salmon other than hatchery coho.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 1, 2019:

WAC 220-312-03000X Southwest – Freshwater exceptions to statewide rules. (19-154)

