



# 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 30, 2019

TIME: 8:18 AM

WSR 19-16-047

**Agency:** Department of Fish and Wildlife (Order 19-172)

**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 fishing rules for Southwest Washington waters.

**Citation of rules affected by this order:**

- New:
- Repealed: WAC 220-312-03000Z
- 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:** The Department is in the process of adopting permanent rules that are necessary to implement the state's share of the fishing plans agreed to with resource co-managers at the 2019 North of Falcon proceedings. These emergency rules are necessary to take advantage of the state's fishing opportunity that is imminent and will be available prior to the permanent rule, in a manner consistent with co-manager agreed fisheries.

The reason for the emergency rules are to meet conservation objectives and because the current 2018 permanent rule is inconsistent with the agreed 2019 North of Falcon fishery sharing package.

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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 1

**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	____

<b>Date Adopted:</b> July 29, 2019
<b>Name:</b> Amy Windrope for Kelly Susewind
<b>Title:</b> Director

**Signature:**



## NEW SECTION

### **WAC 220-312-03000Z Freshwater exceptions to statewide rules—Southwest.**

Notwithstanding the provisions of WAC 220-312-030, effective August 1 through August 12, 2019:

**1. Cowlitz River (Cowlitz Co.):**

- (a) From the boundary markers at mouth to Lexington Bridge:
  - (i) Steelhead: Catch and release.
  - (ii) Salmon: Daily limit 6, up to 4 adults may be retained. Release all salmon other than hatchery coho.
- (b) From Lexington Bridge to 400 feet or posted markers below the Cowlitz Salmon hatchery barrier dam: Salmon: Daily limit 6, up to 4 adults may be retained. Release all salmon other than hatchery coho.

**2. Drano Lake (Skamania Co.):**

- (a) Night closure.
- (b) Salmon and steelhead: Daily limit 6; up to 1 adult salmon may be retained. Release all steelhead.

**3. Elochoman River (Wahkiakum Co.):** Salmon: Release all salmon other than hatchery Chinook.

**4. Grays River (Wahkiakum Co.):** Salmon: Release all salmon other than hatchery Chinook.

**5. Grays River, West Fork (Wahkiakum Co.):** Salmon: Release all salmon other than hatchery Chinook.

**6. Green River (Cowlitz Co.):** From the mouth to Miner's Creek: Salmon: Daily limit 6, up to 4 adults may be retained. Release all salmon other than hatchery coho.

**7. Kalama River (Cowlitz Co.):**

- (a) From the mouth to railroad bridge below I-5:
  - (i) Night closure.
  - (ii) Steelhead: Release all steelhead.
- (b) From the railroad bridge below I-5 to 1000 feet below the fishway at the upper salmon hatchery:
  - (i) From Modrow Bridge downstream to the markers approximately 1,000 feet below the temporary rack when the rack is installed below Modrow Bridge: Closed waters.
  - (ii) Salmon: Daily limit 6, up to 3 adults may be retained. Release all salmon other than hatchery Chinook and hatchery coho.

**8. Klickitat River (Klickitat Co.):** From the mouth to Fishery Hill Bridge: Steelhead: Release all steelhead.

**9. Swift Reservoir (Skamania Co.):** From the dam to posted markers approximately 3/8 mile below Eagle Cliff Bridge: Salmon:

- (a) Salmon count toward trout daily limit.

- (b) Minimum length: 8 inches.
- (c) No catch record card required.

**10. Tilton River (Lewis Co.):** From mouth to West Fork: Salmon: Daily limit 6, up to 2 adults may be retained. Release all salmon other than hatchery coho.

**11. Toutle River (Cowlitz Co.):** From the mouth to the forks: Salmon: Daily limit 6, up to 4 adults may be retained. Release all salmon other than hatchery coho.

**12. Washougal River (Clark Co.):**

- (a) From the mouth to the boat ramp at the WDFW county line access site:
  - (i) Steelhead: Catch and release.
  - (ii) Salmon: Closed.
- (b) From the boat ramp at the WDFW county line access site to the bridge at Salmon Falls:
  - (i) From 1,000 feet (or posted markers) below to 200 feet above the temporary weir when the weir is installed in the river: Closed waters.
  - (ii) Salmon: Release all salmon other than hatchery coho.

**13. White Salmon River (Klickitat/Skamania Co.):**

- (a) From the mouth (Burlington Northern Railroad Bridge) to the county road bridge below the former location of the powerhouse: Salmon and steelhead:
  - (i) Night closure.
  - (ii) Daily limit 6, up to 2 adult salmon may be retained. Release all salmon and steelhead other than hatchery Chinook and hatchery coho.

**14. Wind River (Skamania Co.):** From the mouth to 400 feet downstream of Shipherd Falls fish ladder: Salmon and steelhead:

- (a) Night closure.
- (b) Daily limit 6, up to 2 adult salmon may be retained. Release all salmon and steelhead other than hatchery Chinook and hatchery coho.

## REPEALER

The following section of the Washington Administrative Code is repealed effective August 13, 2019:

WAC 220-312-03000Z Southwest – Freshwater exceptions to statewide rules.

