



**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: September 20, 2019

TIME: 4:34 PM

WSR 19-20-021

Agency: Department of Fish and Wildlife (Order 19-229)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) September 21, 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 the Toutle, North Fork Toutle, and Green Rivers.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-312-03000C
 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: Fall Chinook salmon harvest was closed on the Toutle River, North Fork Toutle, and Green rivers in 2019 due to expectations that numbers of Chinook salmon returning to these areas would not be enough to meet North Toutle Hatchery broodstock goals. Current projections based on returns to the hatchery indicate there will be enough Chinook salmon to meet hatchery broodstock goals and also allow for harvest opportunity in these areas. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New ____ Amended ____ Repealed ____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 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	____

Date Adopted: September 20, 2019	Signature: 
Name: Nate Pamplin for Kelly Susewind	
Title: Director	

NEW SECTION

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

Notwithstanding the provisions of WAC 220-312-030, effective September 21, 2019:

- (1) **Klickitat River (Klickitat Co.):** From the mouth to Fisher Hill Bridge: Effective immediately through September 30, 2019: Release all steelhead.
- (2) **Toutle River (Cowlitz Co.),** from the mouth to the forks; salmon, effective immediately through November 30, 2019:
 - (a) Daily limit 6; up to 4 adults may be retained, of which up to 1 may be a Chinook.
 - (b) Release all salmon other than hatchery Chinook and hatchery coho.
- (3) **Toutle River, North Fork (Cowlitz Co.),** from the mouth (confluence with South Fork) to posted markers downstream of the fish collection facility; salmon, effective immediately through November 30, 2019:
 - (a) Daily limit 6; up to 4 adults may be retained, of which only 1 may be a Chinook.
 - (b) Release all salmon other than hatchery Chinook and hatchery coho.
- (4) **Green River (Cowlitz Co.),** from the mouth to Miners creek; effective immediately through November 30, 2019:
 - (a) Closed waters: From 400 feet below to 400 feet above the water intake at the upper end of the hatchery.
 - (b) Salmon: Daily limit 6; up to 4 adults may be retained, of which up to 1 may be a Chinook. Release all salmon other than hatchery Chinook and hatchery coho.
- (5) **Washougal River (Clark/Skamania Co.),** from the mouth to the bridge at Salmon Falls; effective immediately through December 31, 2019:
 - (a) Salmon: Daily limit 6. Up to 3 adult salmon may be retained, of which up to 1 may be a Chinook. Release all salmon other than hatchery Chinook and hatchery coho.
 - (b) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (6) **White Salmon River (Klickitat/Skamania Co.):** From the mouth (Burlington Northern Railroad Bridge) to the county road bridge below the former location of the powerhouse: Effective immediately through September 30, 2019: Release all steelhead.
- (7) **Wind River (Skamania Co.):**
 - (a) From the mouth to 400 feet downstream of Shipherd Falls fish ladder: Effective immediately through September 30, 2019: Release all steelhead.
 - (b) From 100 feet above Shipherd Falls to Moore Bridge: Effective immediately through November 30, 2019: Closed waters.

R E P E A L E R

The following section of the Washington Administrative Code is repealed effective September 21, 2019:

WAC 220-312-03000C Freshwater exceptions to statewide rules–Southwest. (19-226)