



# 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 26, 2019

TIME: 11:13 AM

WSR 19-20-058

**Agency:** Department of Fish and Wildlife (Order 19-233)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) September 29, 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 Drano Lake.

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

- New:
- Repealed: WAC 220-313-03000D
- Amended: WAC 220-313-030
- 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 current estimate of fall Chinook salmon that will return to Little White Salmon National Fish Hatchery is below the number needed to meet the 2019 broodstock collection goal. Closing the fishing season in Drano Lake will increase the number of hatchery fish available for broodstock and help ensure future hatchery returns. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_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New 1 Amended \_\_\_\_ Repealed 1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 ____

<b>Date Adopted:</b> September 26, 2019	<b>Signature:</b> 
<b>Name:</b> Nate Pamplin for Kelly Susewind	
<b>Title:</b> Director	

## NEW SECTION

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

Notwithstanding the provisions of WAC 220-312-030, effective September 29, 2019:

- (1) **Drano Lake (Skamania Co.):** In waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of Highway 14 Bridge; effective immediately until further notice: Closed waters.
- (2) **Klickitat River (Klickitat Co.):** From the mouth to Fisher Hill Bridge: Effective immediately through September 30, 2019: Release all steelhead.
- (3) **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.
- (4) **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.
- (5) **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.
- (6) **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.
- (7) **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.
- (8) **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.

## REPEALER

The following section of the Washington Administrative Code is repealed effective September 29, 2019:

WAC 220-312-03000D Freshwater exceptions to statewide rules—Southwest. (19-229)