



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: November 21, 2019

TIME: 2:19 PM

WSR 19-24-013

Agency: Department of Fish and Wildlife (Order 19-294)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) November 23, 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 recreational fishing rules for Cowlitz, Kalama, Lewis, Washougal Rivers, and Cedar Creek and its tributaries.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-312-03000F; WAC 220-312-03000G
 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 emergency rule is needed to restrict adult coho retention for Cowlitz, Kalama, Lewis, Washougal Rivers, and Cedar Creek and its tributaries. Coho salmon returns to tributary hatcheries in the Lower Columbia Basin have been below levels needed to meet broodstock collection goals for some programs. These programs can utilize coho salmon collected at hatcheries located in the above tributaries when brood shortfalls occur. Modifying coho fisheries on these rivers will provide additional fish for these hatchery programs and help ensure future hatchery returns and fishing opportunities. This rule also maintain emergency rules previously instituted for Toutle, North Fork Toutle, Green, Washougal, and Wind Rivers. 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 2

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: November 21, 2019	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

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

Notwithstanding the provisions of WAC 220-312-030, effective November 23, 2019:

- (1) Cowlitz River (Cowlitz/Lewis Co.),** from the mouth to the posted markers 400 feet below the Barrier Dam; salmon, effective immediately through December 31, 2019:

 - (a) Daily limit 6; up to 1 adult may be retained.
 - (b) Release all salmon other than hatchery coho.
- (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) Kalama River (Cowlitz Co.),** from the mouth to 1,000 feet below the fishway at the upper salmon hatchery; salmon, effective immediately through December 31, 2019:

 - (a) Daily limit 6; up to 3 adults may be retained, of which one may be a coho.
 - (b) Release all salmon other than hatchery Chinook and hatchery coho.
- (6) Lewis River (Clark/Cowlitz Co.),** from the mouth to the overhead power lines below Merwin Dam; salmon, effective immediately through December 31, 2019:

 - (a) Daily limit 6, up to 2 adult Chinook may be retained.
 - (b) Release all salmon other than Chinook and hatchery jack coho.
- (7) Cedar Creek (Clark Co.),** from the mouth upstream, including all tributaries; salmon, effective immediately through December 31, 2019:

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

(8) Washougal River (Clark/Skamania Co.), from the mouth to the bridge at Salmon Falls; salmon, effective immediately through December 31, 2019:

(a) Daily limit 6, up to 1 adult may be retained.

(b) Release all salmon other than hatchery Chinook and hatchery jack coho.

(9) Wind River (Skamania Co.):

(a) From 100 feet above Shipherd Falls to Moore Bridge: Effective immediately through November 30, 2019: Closed waters.

REPEALERS

The following section of the Washington Administrative Code is repealed, effective November 23, 2019:

WAC 220-312-03000F Freshwater exceptions to statewide rules—Southwest. (19-291)

The following section of the Washington Administrative Code is repealed effective January 1, 2020:

WAC 220-312-03000G Freshwater exceptions to statewide rules—Southwest. (19-294)