



# RULE-MAKING ORDER

**CR-103E (July 2011)**  
(Implements RCW 34.05.350)

**Agency:** Washington Department of Fish and Wildlife

**Emergency Rule Only**

**Effective date of rule:**

**Emergency Rules 15-215**

- Immediately upon filing.
- Later (specify) July 18, 2015

**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 low water and elevated water temperatures

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

Repealed:  
 Amended: WAC 220-310-195  
 Suspended:

**Statutory authority for adoption:** RCW 77.04.012, 77.04.020, 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.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

**Reasons for this finding:** Drought and the resulting low water flows have had detrimental impacts to these waters. Water temperatures in the rivers are exceeding the upper limit of tolerance for salmonids and native game fishes. Angling and handling of ESA listed and/or wild salmon at these temperatures further reduces survival after release. The daily "Hoot Owl" closures are intended to reduce angling pressure and potential fish mortality by removing angling during periods of the day when fish are stressed from elevated temperatures. In addition, some streams are closed to angling because of record low flows due to lack of winter snowpack and rainfall. Stream flows have fallen low enough to concentrate fish into small areas of refugia where they are highly susceptible to angling, natural predation and poaching. There is

**Date adopted:** July 17, 2015

**NAME (TYPE OR PRINT)**

J W Unsworth

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: July 17, 2015**

**TIME: 4:00 PM**

**WSR 15-15-141**

(COMPLETE REVERSE SIDE)

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	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 in the agency's own initiative:**

New	<u>1</u>	Amended	_____	Repealed	_____
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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:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

## NEW SECTION

**WAC 220-310-19500C Freshwater exceptions to statewide rules—Eastside.**

Notwithstanding the provisions of WAC 220-310-195, effective July 18, 2015, until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

- (1) **Walla Walla River** (Walla Walla Co.) from McDonald Road Bridge to Oregon State Boundary – closed daily 2 PM to Midnight until further notice.
- (2) **Touchet River** (Columbia/Walla Walla Co.) from mouth to the confluence of the North and South forks- closed daily 2 PM to Midnight until further notice.
  - (a) **North Fork Touchet River** from mouth to Spangler Creek- closed daily 2 PM to Midnight until further notice.
  - (b) **North Fork Touchet River** upstream from the confluence of Spangler Creek – closed to fishing until further notice
  - (c) **South Fork Touchet River** from mouth to Griffen Fork and above Griffen fork– closed to all fishing until further notice.
  - (d) **Wolf Fork Touchet River** from mouth to Coates Creek and Robinson Fork – closed to all fishing until further notice.
- (3) **Tucannon River** (Columbia/Garfield Co.) From Highway 12 Bridge to Cow Camp Bridge - closed daily 2 PM to midnight until further notice
- (4) **Asotin Creek and tributaries** (Asotin Co.) from mouth to headwaters-closed to all fishing until further notice
- (5) **Spokane River** (Spokane/Lincoln Co.) from upstream Boundary at Plese Flats Day Use Area to Idaho State Boundary - closed daily 2 PM to midnight until further notice.
  - (a) **Spokane River tributaries, including Little Spokane River and tributaries** (Spokane/Pend Oreille/Stevens Co.) from State Route 25 Bridge upstream to Monroe Street Dam-closed daily 2 PM to midnight until further notice.
- (6) **Colville River and all tributaries** (Stevens Co.) from mouth to headwaters- closed daily 2 PM to midnight until further notice.
- (7) **Kettle River and all tributaries** (Ferry Co.) from Barstow Bridge to headwaters, all portions contained within the United States – closed to fishing until further notice.
- (8) **Sullivan Creek and all tributaries** (Pend Oreille Co.) from mouth to headwaters - closed daily 2 PM to midnight until further notice.

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( ) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

( ) That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, 2011, 2012 or 2013 which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

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**(15-215, 7/17/2015)**