



# 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 15-443**

- Immediately upon filing.
- Later (specify) December 14, 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 Grays Harbor tributaries

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

Repealed: WAC 232-28-62000U, WAC 220-310-18000J  
 Amended: WAC 232-28-620, WAC 220-310-180  
 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:** An emergency rule is needed to open areas that were closed in emergency rule filing WSR 15-22-041 and WSR 15-23-018 as hatchery steelhead are returning to Grays Harbor tributaries. Wild coho salmon remain well below the escapement goals necessitating release of all wild salmon. However, historical catch data indicate that only a small percent of the recreational coho catch occurs after November and therefore the impact to wild coho will be very small with these fisheries. There is insufficient time to adopt permanent rules.

**Date adopted:** December 11, 2015

**NAME (TYPE OR PRINT)**  
James B Scott for J W Unsworth

**SIGNATURE**

**TITLE**  
Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: December 11, 2015**

**TIME: 3:06 PM**

**WSR 16-01-066**

**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>2</u>	Amended	_____	Repealed	<u>2</u>
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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 232-28-62000W Coastal salmon—saltwater seasons.**

Notwithstanding the provisions of WAC 232-28-620, effective December 14, 2015, until further notice, it is unlawful to take, fish for, or possess salmon taken for personal use in Grays Harbor except:

Westport Boat Basin and Ocean Shores Boat Basin: Salmon daily limit 1. Release all salmon except hatchery coho.

NEW SECTION

**WAC 220-310-18000N Freshwater exceptions to statewide rules—Coastal.**

Notwithstanding the provisions of WAC 220-310-180, effective December 14, 2015, until further notice, it is unlawful to take, fish for, or possess salmon taken for personal use in Grays Harbor tributaries except the following waters are open to salmon as provided below:

- (1) Humptulips River (Grays Harbor County):** From mouth to confluence of East and West forks. Salmon daily limit 1. Release all salmon except hatchery coho.
- (2) Wishkah River (Grays Harbor County):** From mouth to Wishkah rearing ponds. Salmon daily limit 1. Release all salmon except hatchery coho.
- (3) Hoquiam River including West Fork (Grays Harbor County):** From mouth to Dekay Rd. Bridge. Salmon daily limit 1. Release all salmon except hatchery coho.
- (4) Hoquiam River, East Fork (Grays Harbor County):** From mouth to confluence of Berryman Creek. Salmon daily limit 1. Release all salmon except hatchery coho.
- (5) Chehalis River (Grays Harbor/Thurston/Lewis Co.):** From mouth to the high bridge on Weyerhaeuser 1000 line. Salmon daily limit 1. Release all salmon except hatchery coho.
- (6) Van Winkle Creek (Grays Harbor County):** From mouth to 400' below outlet of Lake Aberdeen Hatchery. Salmon daily limit 1. Release all salmon except hatchery coho.
- (7) Wynoochee River (Grays Harbor/Jefferson Co.):** From mouth to WDFW White Bridge Access Site. Salmon daily limit 1. Release all salmon except hatchery coho.
- (8) Satsop River and East Fork (Grays Harbor/Mason Co.):** From mouth to bridge at Schafer State Park. Salmon daily limit 1. Release all salmon except hatchery coho.
- (9) Satsop River, East Fork (Grays Harbor/Mason Co.):** From 400' below Bingham Creek Hatchery dam to dam. Salmon daily limit 1. Release all salmon except hatchery coho.
- (10) Black River (Grays Harbor/Thurston Co.):** From Hwy. 12 bridge to bridge on 128<sup>th</sup> Ave SW. Salmon daily limit 1. Release all salmon except hatchery coho.

**(11) Skookumchuck River (Lewis/Thurston Co.):** From mouth to 100' below outlet of WDFW steelhead rearing pond located at the base of Skookumchuck Dam. Salmon daily limit 1. Release all salmon except hatchery coho.

**(12) Newaukum River, including south fork (Lewis County):** From mouth to Leonard Road. Salmon daily limit 1. Release all salmon except hatchery coho.

## REPEALERS

The following sections of the Washington Administrative Code are repealed effective December 14, 2015:

WAC 232-28-62000U Coastal salmon—saltwater seasons. (15-405)

WAC 220-310-18000J Freshwater exceptions to statewide rules—Coastal. (15-416)

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### **EMERGENCY RULE ONLY**

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(x) 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 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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