



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 16-116

- Immediately upon filing.
- Later (specify) _____

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 freshwater areas

Citation of existing rules affected by this order:

Repealed: WAC 220-310-18500G, WAC 220-310-18500K
 Amended: WAC 220-310-185
 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: The Department is in the process of adopting permanent rules that are necessary to implement the personal use fishing plans agreed-to with resource co-managers at the North of Falcon proceedings. These emergency rules are necessary to comply with agreed-to management plans, and are interim until permanent rules take effect.

Date adopted: May 25, 2016

NAME (TYPE OR PRINT)

J W Unsworth

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 25, 2016

TIME: 11:17 AM

WSR 16-12-041

**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 in the agency's own initiative:

New	<u>1</u>	Amended	_____	Repealed	<u>2</u>
-----	----------	---------	-------	----------	----------

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	_____

NEW SECTION

WAC 220-310-18500L Freshwater exceptions to statewide rules—Southwest
Notwithstanding the provisions of WAC 220-310-185, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

(1) Effective immediately until further notice:

(a) **Kalama River from the boundary markers at the mouth upstream to 1,000 feet below fishway at the upper salmon hatchery** – Salmon daily limit is 6 fish of which no more than 2 may be adults. Only hatchery Chinook and hatchery coho may be retained. Minimum size is 12 inches.

(2) Effective immediately through June 30:

(a) **Drano Lake** – The hatchery Chinook and hatchery steelhead daily limit is 4 fish of which no more than 2 may be steelhead.

(3) Effective July 1 until further notice:

(a) **Blue Creek (Lewis Co.) from the mouth to the posted sign above the rearing pond outlet**
All species: When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

(b) **Cispus River from the mouth (posted markers at the Lewis Co. PUD kayak launch) upstream to the falls** – Salmon daily limit is 6 fish of which no more than 2 may be adults. Only hatchery Chinook and hatchery coho may be retained. Minimum size is 12 inches. Trout: Catch-and-release except 2 hatchery steelhead may be retained. Other game fish: Statewide minimum size/daily limit. All species: Fly fishing only from the North Fork upstream to the falls.

(c) **Cowlitz River from the boundary markers at the mouth upstream to 400 feet below the Mayfield Dam powerhouse** - Closed waters within a 100 foot radius of the Cowlitz Salmon Hatchery wheelchair ramp structure (within the posted fishing boundary) except for anglers with disabilities AND who have a designated harvester companion card.

(d) **Cowlitz River from the posted PUD sign on Peters Road upstream to the Forest 1270 (old Jody's Bridge)**: Salmon daily limit is 6 fish of which no more than 2 may be adults. Only hatchery Chinook and hatchery coho may be retained. Minimum size is 12 inches. Trout: Catch-and-release except 2 hatchery steelhead may be retained. Other game fish: Statewide minimum size/daily limit.

(e) **Elochoman River from the mouth upstream to the West Fork** – Closed waters are rescinded from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30' out from the south bank of the river and from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack.

(f) **Elochoman River from the West Fork upstream** - Salmon daily limit is 6 fish of which no more than 2 may be adults. Only hatchery Chinook and hatchery coho may be retained. Minimum size is 12 inches.

(g) **Goble Creek** – All gamefish: Catch-and-release except daily limit 3 hatchery steelhead may be retained. Selective gear rules are in effect.

(h) **Grays River (East, South, and the West Fork from the hatchery intake/footbridge upstream)** - Salmon daily limit is 6 fish of which no more than 2 may be adults. Only hatchery Chinook and hatchery coho may be retained. Effective August 1, all Chinook must be adipose and/or ventral fin clipped. Minimum size is 12 inches. Selective gear rules are in effect.

(i) **Mulholland Creek** – All gamefish: Catch-and-release except daily limit 3 hatchery steelhead may be retained. Selective gear rules are in effect.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-310-18500G Freshwater exceptions to statewide rules—Southwest. (16-35)

WAC 220-310-18500K Freshwater exceptions to statewide rules—Southwest. (16-100)

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

(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.

Reasons for this finding: The Department is in the process of adopting permanent rules that are necessary to implement the personal use fishing plans agreed-to with resource co-managers at the North of Falcon proceedings. These emergency rules are necessary to comply with agreed-to management plans, and are interim until permanent rules take effect.

(16-116, 5/25/2016)