



# 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 16-178**

- 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 freshwater recreational fishing rules

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

Repealed: WAC 220-310-19000H  
 Amended: WAC 220-310-190, 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: These emergency rules are necessary to comply with agreed-to management plans, and are interim until permanent rules take effect.

**Date adopted:** July 15, 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: July 15, 2016**

**TIME: 9:46 AM**

**WSR 16-15-049**

**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	New	_____	Amended	_____	Repealed	_____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	New	_____	Amended	_____	Repealed	_____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>1</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 220-310-19500P Freshwater exceptions to statewide rules—Eastside**

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

**(1) Klickitat River from the mouth (Burlington Northern Railroad Bridge) upstream to the Fisher Hill Bridge and from 400 feet above #5 fishway upstream to boundary markers below the salmon hatchery-** Beginning August 1, 2016, salmon daily limit is 6 fish, no more than 3 may be adults of which only 2 may be coho. Minimum size is 12 inches.

**(2) White Salmon River from the mouth (Burlington Northern Railroad Bridge) upstream to the county road bridge below the former location of the powerhouse:** Beginning August 1, 2016:

(a) Salmon: only hatchery Chinook and hatchery coho may be retained.

(b) All species: When the anti-snagging rule is in effect, only fish hooked inside the mouth may be retained.

**(3) White Salmon River from the county road bridge below the former location of the powerhouse upstream to 400 feet below Big Brother Falls –** Beginning August 1, 2016:

(a) Salmon and steelhead:

(i) Daily limit is 6 fish and up to 3 may be adults of which no more than 2 may be hatchery salmon.

(ii) Salmon minimum size is 12 inches.

(b) Upstream of the Northwestern Road Bridge to 400 feet below the Big Brothers Falls, release all fish through July 31, except anglers may retain up to 3 hatchery steelhead.

**(4) Chelan River (Chelan County): From the railroad bridge to the Chelan P.U.D. safety barrier below the power house:** Salmon: Limit 4; no more than 2 adult hatchery Chinook and no more than 3 sockeye may be retained. Release coho and wild adult Chinook.

**(5) Icicle River and all tributaries (Creek) (Chelan County):**

**(a) From shoreline markers where Cyo Road would intersect the Icicle River at the Sleeping Lady Resort upstream to Leland Creek, and all tributaries including Leland Creek:** Open through October 31:

(i) Selective gear rules apply. It is unlawful to fish from a floating device equipped with an internal combustion motor. Night closure in effect through July 31.

(ii) Trout: Eastern brook trout: Limit 16. Eastern brook trout do not count toward the trout limit. However, once the limit of trout other than eastern brook trout is reached, the limit for all species of trout is reached and the angler must cease fishing for trout.

(iii) Salmon: Open for hatchery Chinook only; minimum length 12 inches; limit 2.

(b) **From Leland Creek upstream, and all tributaries not including Leland Creek:** Open through October 31.

**(6) Okanogan River (Okanogan County):**

(a) From the mouth to Highway 97 Bridge immediately upstream of the mouth: Salmon: Limit 6; no more than 2 adult hatchery Chinook and no more than 3 sockeye may be retained. Release coho and wild adult Chinook. It is permissible to fish two poles from July 1 through August 31 so long as the angler possesses a two-pole endorsement.

(b) From Highway 97 Bridge immediately upstream of the mouth, upstream: Salmon: through September 15, limit 4; no more than 2 adult hatchery Chinook may be retained. Release sockeye, coho and wild adult Chinook. It is not permissible to use two poles.

**(7) Similkameen River (Okanogan County): From the mouth to 400 feet below Enloe Dam:** Salmon: Limit 4; no more than 2 adult hatchery Chinook may be retained. Release sockeye, coho and wild adult Chinook.

**(8) Ahtanum Creek (Yakima County):** In the Middle Fork, open from the mouth to the A2000 Road Spur Road Bridge in NE Section 34 and upstream of the A2800 Road Bridge at Tree Phones Campground.

**(9) Entiat River (Chelan County):** From mouth (railroad bridge) to the upper Roaring Creek Road Bridge (immediately downstream of the Entiat National Fish Hatchery): Salmon open July 25 through September 30: limit 2 adult hatchery Chinook salmon; release wild adult Chinook.

**(10) Grande Ronde River (Asotin County):** From the mouth to County Road Bridge, about 2.5 miles upstream:

(a) Trout minimum length 10 inches, maximum length 20 inches.

(b) Steelhead catch and release only.

**(11) San Poil River (Ferry County):** From the western shoreline at the mouth of the San Poil Arm (as marked by a regulatory buoy) directly eastward across the San Poil Arm to the eastern shoreline of the San Poil Arm (as marked by a regulatory buoy) upstream to the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek: Trout limit 5; it is lawful to retain more than 2 trout over 20 inches.

**(12) Spokane River (Spokane County):** From SR 25 Bridge upstream to 400 feet below Little Falls Dam: Trout minimum size 8 inches, and release rainbow trout with adipose fin intact.

**(13) Wenatchee Lake (Chelan County):**

(a) Open year-round.

(b) Release bull trout, steelhead trout, sockeye, and Chinook salmon.

(c) Night closure is rescinded.

(d) Fishing with two poles is not permissible.

## NEW SECTION

### **WAC 220-310-19000J Exceptions to statewide rules—Puget Sound.**

Notwithstanding the provisions of WAC 220-310-190 effective immediately until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

- (1) Baker River (Skagit Co): Closed from the mouth to the Baker River fish barrier dam.
- (2) Big Quilcene River (Jefferson County): Closed waters from the Highway 101 Bridge to the electric weir at Quilcene National Fish Hatchery.
- (3) Boulder River (Snohomish County) (N.F. Stillaguamish River tributary): Closed from the mouth to Boulder Falls as of September 1.
- (4) Canyon Creek (Snohomish County) (S.F. Stillaguamish River): Closed as of September 1.
- (5) Clarks Creek (Pierce County): Closed as of September 1.
- (6) Fiske Creek (Pierce County) (Puyallup River tributary): Closed upstream from Fiske Road East as of September 1.
- (7) Fox Creek (Pierce County) (Puyallup River tributary): Closed upstream from Fiske Road East as of September 1.
- (8) Green (Duwamish) River (King County): Closed from the First Avenue South Bridge to South 277th Bridge in Auburn as of August 1.
- (9) Green (Duwamish) River (King County): Closed from South 277th Bridge to Auburn-Black Diamond Road Bridge as of August 16.
- (10) Green (Duwamish) River (King County), from the Auburn-Black Diamond Road Bridge to the water pipeline walk bridge (1/2 mile downstream of Tacoma Head-works Dam):
  - (a) Closed waters within 150 feet of the mouth of Keta (Crisp) Creek.
  - (b) Closed as of September 1.
- (11) Greenwater River (King County): Closed from Greenwater Lakes upstream as of September 1.
- (12) Kendall Creek (Whatcom County) (N.F. Nooksack tributary):
  - (a) Open above the hatchery grounds.
  - (b) Selective gear rule is rescinded.
- (13) Kennedy Creek (Mason County): From the Highway 101 Bridge to 400 feet below the falls, trout catch and release only; selective gear rules apply.

- (14) King's Creek (Pierce County) (Puyallup River tributary): Closed as of September 1.
- (15) Lyle Creek (King County) (White River tributary): Closed as of September 1.
- (16) McAllister Creek (Thurston County): Release coho.
- (17) Nisqually River (Pierce County), from the mouth to Military Tank Crossing Bridge:  
(a) Immediately through August 31, release all coho and wild Chinook.  
(b) Salmon fishing closed as of September 1.
- (18) Nisqually River (Pierce County), from Alder Reservoir upstream including all tributaries to mainstem and reservoir:  
(a) Selective gear rules apply.  
(b) Trout minimum length 14 inches.
- (19) Nooksack River (Whatcom County), from the Lummi Indian Reservation boundary to the yellow marker at the FFA High School barn at Deming:  
(a) Beginning September 1, salmon limit 2, plus 2 additional hatchery coho.  
(b) Release wild coho and wild Chinook.
- (20) Pilchuck Creek (Snohomish County): Closed from the mouth to Pilchuck Falls as of September 1.
- (21) Puyallup River (Pierce County): Closed from the mouth to the 11<sup>th</sup> Street Bridge.
- (22) Puyallup River (Pierce County): Closed to salmon fishing from the 11<sup>th</sup> Street Bridge to the Carbon River.
- (23) Raging River (King County): Closed from the mouth upstream as of September 1.
- (24) Samish River (Skagit County), from the Old Highway 99 Bridge to the WDFW salmon rack: Closed.
- (25) Samish River (Skagit County), from the I-5 Bridge to the Old Highway 99 Bridge: Closed as of September 1.
- (26) Samish River (Skagit County), from the WDFW hatchery rack to Hickson Bridge:  
(a) Open through November 30.  
(b) Selective gear rules apply.  
(c) Release all fish except mandatory hatchery steelhead retention.
- (27) Samish River (Skagit County), from Hickson Bridge upstream:  
(a) Open through October 31.  
(b) Selective gear rules apply.  
(c) Mandatory hatchery steelhead retention.

- (28) Sauk River (Skagit/Snohomish counties), from the mouth to Darrington Bridge:
- (a) Open through September 15.
  - (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(29) Sauk River (Skagit/Snohomish counties), from Darrington Bridge to the mouth of the White Chuck River: Open through September 15.

(30) Sauk River (Skagit/Snohomish counties), waters from the Whitechuck River to the headwaters, including the North Fork from mouth to North Fork Falls and the South Fork from mouth to Elliot Creek: Open through September 15.

(31) Skagit River (Skagit/Whatcom counties): Mandatory hatchery steelhead retention.

(32) Skagit River (Skagit/Whatcom counties), from the mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon):

- (a) Through September 15, selective gear rules apply, except anglers fishing for sturgeon must use bait.
- (b) Through September 15, it is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank, except anglers fishing for sturgeon may use single-point barbless hooks of any size.
- (c) Closed to salmon fishing.

(33) Skagit River (Skagit/Whatcom counties), from Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek:

- (a) Closed waters July 17 through July 20, and July 24 through July 27.
- (b) Night closure in effect through September 15.
- (c) From July 16 through September 15, selective gear rules apply (except for sturgeon), and it is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank, except anglers fishing for sturgeon may use single-point barbless hooks of any size.
- (d) Closed to salmon fishing as of July 16.

(34) Skagit River (Skagit/Whatcom counties), from Gilligan Creek to The Dalles Bridge at Concrete:

- (a) Closed waters July 17 through July 20 and July 24 through July 27.
- (b) Through September 15, selective gear rules apply, it is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank, and night closure in effect.
- (c) Closed to salmon fishing.

(35) Skagit River (Skagit/Whatcom counties), from The Dalles Bridge at Concrete to the Highway 530 Bridge at Rockport:

- (a) Closed waters July 17 through July 20 and July 24 through July 27.
- (b) Through September 15, selective gear rules apply, it is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank, and night closure in effect.
- (c) Closed to salmon fishing.

(36) Skagit River (Skagit/Whatcom counties), from the Highway 530 Bridge at Rockport to the Cascade River Road (Marblemount Bridge):

(a) Anti-snagging rule applies through July 15.

(b) From July 16 through September 15, selective gear rules apply, it is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(c) Through September 15, trout catch and release only (except mandatory hatchery steelhead retention), night closure in effect.

(d) Closed to salmon fishing as of July 16.

(37) Skokomish River (Mason County):

(a) Selective gear rules apply.

(b) Catch and release only.

(c) Closed to all fishing from the mouth to the Bonneville Powerlines.

(38) Skykomish River (Snohomish County), from the mouth to the mouth of Wallace River:

(a) Closed as of September 1.

(b) Anti-snagging rule applies and night closure in effect through August 31 above the Lewis Street Bridge and August 1 through August 31 below the Lewis Street Bridge.

(c) Salmon fishing open through July 31, release all salmon except hatchery Chinook, limit 4, and no more than 2 of which may be adults.

(39) Skykomish River (Snohomish County), from the mouth of the Wallace River to the forks:

(a) Closed as of September 1.

(b) From August 1 through August 31, anti-snagging rule applies and night closure in effect from Wallace River to Gold Bar/Big Eddy Access.

(c) Beginning August 1, anti-snagging rule applies and night closure in effect from Gold Bar/Big Eddy Access to the forks.

(d) Closed to salmon fishing.

(40) Skykomish River, North Fork (Snohomish County), from the mouth to 1,000 feet downstream of Bear Creek Falls: Closed as of September 1.

(41) Skykomish River, South Fork (King/Snohomish counties): From the mouth upstream, closed as of September 1.

(42) Snohomish River (Snohomish County), from the Burlington-Northern Railroad bridges to Highway 9 Bridge, including all channels, sloughs, and interconnected waterways, but excluding all tributaries:

(a) Sturgeon catch and release is closed as of September 1.

(b) Gamefish closed as of September 1.

(c) Closed to salmon fishing.

(d) August 1 through August 31 night closure in effect.

(e) August 1 through August 31 anti-snagging rule applies, except for sturgeon



(43) Snohomish River (Snohomish County), from the Highway 9 Bridge to the confluence of the Skykomish and Snoqualmie rivers (all channels):

- (a) August 1 through August 31 night closure and anti-snagging rule applies.
- (b) Closed as of September 1.
- (c) Closed to salmon fishing.

(44) Snoqualmie River (King County), from the mouth to Snoqualmie Falls:

- (a) Closed from the mouth to the falls as of September 1.
- (b) Selective gear rules apply through August 31.
- (c) Night closure not in effect until November 1.
- (d) Closed to salmon fishing.

(45) South Prairie Creek (Pierce County): Closed from the city of Buckley diversion dam upstream as of September 1.

(46) Squire Creek (Snohomish County) (N.F. Stillaguamish River tributary): Closed as of September 1.

(47) Stillaguamish River (Snohomish County), from the mouth to Marine Drive, including all sloughs:

- (a) Closed as of September 1.
- (b) August 1 through August 31, anti-snagging rule applies, except anglers fishing for sturgeon may use single-point barbless hooks of any size.
- (c) Closed to salmon fishing.

(48) Stillaguamish River (Snohomish County), from Marine Drive to the forks:

- (a) Closed as of September 1.
- (b) Night closure in effect from August 1 through August 31.
- (c) Closed to salmon fishing.

(49) Stillaguamish River, North Fork (Snohomish County), from the North Fork mouth to the falls approximately one mile upstream of Cascade Creek: Closed as of September 1.

(50) Stillaguamish River, South Fork (Snohomish County), from the mouth up-stream to the source: Closed as of September 1.

(51) Sultan River (Snohomish County), from the mouth to a point 400 feet downstream from the diversion dam at river mile 9.7: Closed as of September 1.

(52) Tolt River (King County), from the mouth to the USGS trolley cable near the confluence of the North and South Forks: Closed as of September 1.

(53) Tye River (King County), from Foss River to Alpine Falls: Closed as of September 1.

(54) Voight Creek (Pierce County): Closed as of September 1.

(55) Wallace River (Snohomish County), from the mouth to 363rd Ave. S.E./Reece Rd:  
Closed as of September 1.

(56) Whatcom Creek (Whatcom County), from the mouth to the markers below the  
footbridge below Dupont Street in Bellingham: Release wild coho.

(57) Wilkeson Creek (Pierce County) (South Prairie Creek tributary) upstream of confluence  
with Gale Creek: Closed as of September 1.

## REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-310-19000H Freshwater exceptions to statewide rules—Puget Sound. (16-168)

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## 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:** These emergency rules are necessary to comply with agreed-to management plans, and are interim until permanent rules take effect.

**(16-178, 7/15/2016)**

