



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 17-174

- Immediately upon filing.
- Later (specify) August 1, 2017

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 regulations for coastal streams.

Citation of existing rules affected by this order:

Repealed:
 Amended: WAC 220-312-020
 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.
- 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: July 27, 2017

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: July 27, 2017
TIME: 1:10 PM
WSR 17-16-091

**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	_____
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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:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

NEW SECTION

WAC 220-312-02000I Freshwater exceptions to statewide rules – Coast.

Notwithstanding the provisions of WAC 220-312-020, effective August 1, 2017 until further notice, it is unlawful to violate the provisions below. Unless otherwise amended, all permanent rules remain in effect:

- (1) **Bear Creek (Clallam County) (Bogachiel tributary):** Open September 1, 2017 until further notice.
- (2) **Bear Creek (Clallam County) (Sol Duc tributary):** Open September 1, 2017 until further notice.
- (3) **Beaver Creek (Clallam County) (Sol Duc River tributary), from mouth upstream to Beaver Falls:** Open September 1, 2017 until further notice.
- (4) **Bogachiel River (Clallam County), from mouth to Hwy. 101 bridge:** Open September 1, 2017 until further notice
- (5) **Bogachiel River (Clallam County); from Highway 101 Bridge to Olympic National Park boundary:** Open September 1, 2017 until further notice.
- (6) **Calawah River (Clallam County), from mouth to Hwy. 101 bridge:**
 - (a) Open September 1, 2017 until further notice.
 - (b) Salmon: Open September 1, 2017 until further notice; daily limit 3, only 1 adult may be retained.
- (7) **Calawah River (Clallam County), from Hwy. 101 bridge to forks:** Open September 1, 2017 until further notice.
- (8) **Calawah River North Fork (Clallam County):** Open September 1, 2017 until further notice.
- (9) **Calawah River, South Fork (Clallam County), from mouth to Olympic National Park boundary:** Open September 1, 2017 until further notice.

- (10) Clearwater River (Jefferson County), from mouth to Snahapish River:**
- (a) Open September 1 through September 30, 2017.
 - (b) Salmon: Open September 1 through September 30, 2017 minimum size 12"; daily limit 3, only 1 adult may be retained, release wild coho.
- (11) Clearwater River (Jefferson County), from Snahapish River upstream:** Open September 1 through September 30, 2017.
- (12) Dickey River (Clallam County), from Olympic National Park boundary upstream to the confluence of the East and West forks:**
- (a) Open September 1, 2017 until further notice.
 - (b) Salmon: Open September 1 until further notice; minimum size 12"; daily limit 3, only 1 adult may be retained.
- (13) Dickey River (Clallam County), from the confluence of the East and West forks upstream (for both forks):** Open September 1, 2017 until further notice.
- (14) Hoh River (Jefferson County), from Olympic National Park boundary upstream to Dept. Natural Resources' Oxbow Campground boat launch:**
- (a) September 1 through September 15, 2017: closed to fishing.
 - (b) Open September 16 until further notice.
 - (c) Salmon: Open September 16 until further notice; minimum size 12"; daily limit 6. Up to 2 adults may be retained of which only 1 may be a Chinook.
- (15) Hoh River (Jefferson County), from Dept. Natural Resources' Oxbow Campground boat launch to Morgan's Crossing boat launch:**
- (a) Bait prohibited except from October 16 until further notice.
 - (b) September 1 through September 15, 2017: closed to fishing.
 - (c) Open September 16, 2017 until further notice.
 - (d) Salmon: Open October 16, 2017 until further notice; minimum size 12"; daily limit 6. Up to 2 adults may be retained of which only 1 may be a Chinook.
- (16) Hoh River (Jefferson County), from Morgan's Crossing boat launch upstream to Olympic National Park boundary:** September 1 through September 15, 2017: closed to fishing.
- (17) Hoh River, South Fork (Jefferson County):** September 1 through September 15, 2017: closed to fishing.

- (18) **Matheny Creek (Jefferson County) (Queets River tributary), outside Olympic National Park:** Open September 1 through September 30, 2017.
- (19) **Quillayute River (Clallam County), from Olympic National Park boundary upstream to confluence of Sol Duc and Bogachiel Rivers:**
- (a) Open September 1, 2017 until further notice.
 - (b) Trout: Minimum size 14"; no minimum size for hatchery trout. Release wild rainbow trout.
 - (c) Salmon: Open September 1, 2017 until further notice; minimum size 12"; daily limit 6. Up to 3 adults may be retained of which only 1 may be wild.
- (20) **Salmon River (Jefferson County), outside Quinault Indian Reservation and Olympic National Park:**
- (a) Open September 1 through September 30, 2017
 - (b) Salmon: Open September 1, 2017; minimum size 12"; daily limit 6, up to 2 adults may be retained, of which only 1 may be a Chinook. Release wild coho.
- (21) **Sitkum River (Clallam County) (Calawah River tributary):** Open September 1, 2017 until further notice.
- (22) **Snahapish River (Jefferson County) (Clearwater River tributary):** Open September 1 through September 30, 2017.
- (23) **Sol Duc River (Clallam County), from mouth to concrete pump station at Sol Duc Hatchery:**
- (a) Open September 1, 2017 until further notice.
 - (b) Salmon: Open September 1, 2017 until further notice; minimum size 12"; daily limit 6. Up to 3 adults may be retained of which only 1 may be wild.
- (24) **Sol Duc River (Clallam County), from the concrete pump station at Sol Duc Hatchery to the Highway 101 Bridge upstream of Klahowya campground:** Open September 1, 2017 until further notice.
- (25) **Sol Duc River (Clallam County), from Highway 101 Bridge upstream of Klahowya campground to Olympic National Park boundary:** Open September 1, 2017 until further notice.
- (26) **Solleks River (Jefferson County):** Open September 1 through September 30, 2017.
- (27) **Thunder Creek (Clallam County), from mouth to D2400 road:** September 1, 2017 until further notice.

- (28) **Thunder Creek (Clallam County), from D2400 road upstream:** Open September 1, 2017 until further notice.
- (29) **Black River (Grays Harbor/Thurston Counties), from Highway 12 to bridge on 128th Ave. SW (west of Littlerock):** Salmon: Open October 1, 2017 until further notice; minimum size 12"; daily limit 6 of which 1 wild coho and up to 2 adults may be retained. Release Chinook and chum.
- (30) **Chehalis River (Grays Harbor County), from mouth (Hwy. 101 Bridge in Aberdeen) upstream to South Elma Bridge (Wakefield Rd.) to Porter Boat Launch including all channels, sloughs, and interconnected waterways:**
- (a) Salmon: Open August 1 through September 15, 2017; minimum size 12"; daily limit 6. Release adults.
 - (b) Salmon: Open September 16, 2017 until further notice; minimum size 12"; daily limit 6. Up to 2 adults may be retained of which 1 may be a wild coho. Release adult Chinook.
- (31) **Chehalis River (Grays Harbor County), from South Elma Bridge (Wakefield Rd.) to Porter Boat Launch including all channels, sloughs, and interconnected waterways:** Salmon: Closed August 1 through September 15, 2017.
- (32) **Chehalis River (Grays Harbor County), from South Elma Bridge (Wakefield Rd.) to Black River including all channels, sloughs and interconnected waterways:** Salmon: Open September 16, 2017 until further notice; minimum size 12"; daily limit 6. Up to 2 adults may be retained of which 1 may be a wild coho. Release Chinook.
- (33) **Chehalis River (Grays Harbor County), from Black River upstream to high bridge on Weyerhaeuser 1000 line approx. 400 yards downstream of Roger Creek (south of Pe Ell):** Salmon: Open September 16, 2017 until further notice; minimum size 12"; daily limit 6 of which 1 wild coho and up to 2 adults may be retained. Release Chinook and chum.
- (34) **Elk River (Grays Harbor County), from mouth (Hwy. 105 Bridge) to the confluence of the Middle Branch:** Salmon: Open October 1, 2017 until further notice. Minimum size 12"; daily limit 6. Up to 2 adults may be retained of which 1 may be a wild coho. Release adult Chinook.
- (35) **Hoquiam River, including West Fork (Grays Harbor County), from mouth (Hwy. 101 Bridge on Simpson Ave.) to Dekay Rd. Bridge (West Fork):** Salmon: Open October 1, 2017 until further notice; minimum size 12"; daily limit 6 of which 1 wild coho and up to 2 adults may be retained. Release Chinook.
- (36) **Hoquiam River, East Fork (Grays Harbor County), from mouth to confluence of Berryman Creek:** Salmon: Open October 1, 2017 until further notice; minimum size

12"; daily limit 6 of which 1 wild coho and up to 2 adults may be retained. Release Chinook.

- (37) **Humptulips River (Grays Harbor County), from mouth (Jessie Slough to confluence of East and West Forks:** Salmon: Open September 1, 2017 until further notice; minimum size 12"; daily limit 6. Up to 2 adults may be retained of which 1 may be a Chinook. Release wild coho and wild Chinook.
- (38) **Joe Creek (Grays Harbor County), from mouth to Ocean Beach Rd. Bridge:** Salmon: Open October 1, 2017 until further notice; minimum size 12"; daily limit 6. Up to 2 adults may be retained of which 1 may be a wild coho. Release Chinook.
- (39) **Johns River (Grays Harbor County), from mouth (Hwy. 105 Bridge) to Ballon Creek:** Salmon: Open October 1, 2017 until further notice; minimum size 12"; daily limit 6. Up to 2 adults may be retained of which 1 may be a wild coho. Release adult Chinook.
- (40) **Moclips River (Grays Harbor County), from mouth to Quinault Indian Reservation boundary:** Salmon: Open October 1, 2017 until further notice; minimum size 12"; daily limit 6. Up to 2 adults may be retained of which 1 may be a wild coho. Release Chinook.
- (41) **Newaukum River, including South Fork (Lewis County), from mouth to Leonard Rd. near Onalaska:** Salmon: Open October 16, 2017 until further notice; minimum size 12"; daily limit 6 of which 1 wild coho and up to 2 adults may be retained. Release Chinook and chum.
- (42) **Satsop River and East Fork (Grays Harbor County), from mouth to bridge at Schafer State Park:**
- (a) Salmon: Closed September 1, 2017 to September 30, 2017.
 - (b) Salmon: Open October 1, 2017 until further notice: minimum size 12"; daily limit 6 of which 1 wild coho and up to 2 adults may be retained. Release Chinook.
- (43) **Satsop River and East Fork (Grays Harbor County), from 400' below Bingham Creek Hatchery dam to dam:**
- (a) Salmon: Closed September 1, 2017 to September 30, 2017.
 - (b) Salmon: Open October 1, 2017 until further notice; minimum size 12"; daily limit 6 of which 1 wild coho and up to 2 adults may be retained. Release Chinook.
- (44) **Skookumchuck River (Thurston County), from mouth to 100' below outlet of Trans Alta WDFW steelhead rearing pond located at the base of Skookumchuck Dam:**
- (a) Salmon: Closed October 1, 2017 to October 15, 2017.

- (b) Salmon: Open October 16, 2017 until further notice; minimum size 12"; daily limit 6 of which 1 wild coho and up to 2 adults may be retained. Release Chinook and chum.
- (45) **Van Winkle Creek (Grays Harbor County), from mouth to 400' below outlet of Lake Aberdeen Hatchery:** Salmon: Open September 16, 2017 until further notice; minimum size 12"; daily limit 6. Up to 2 adults may be retained of which 1 may be a wild coho. Release adult Chinook.
- (46) **Wishkah River (Grays Harbor County), from mouth to 200' below the weir at the Wishkah Rearing Ponds:** Salmon: Open October 1, 2017 until further notice; minimum size 12"; daily limit 6. Up to 2 adults may be retained of which 1 may be a wild coho. Release Chinook.
- (47) **Wynoochee River (Grays Harbor County), from mouth to WDFW White Bridge Access Site:** Salmon: Open October 1, 2017 until further notice; minimum size 12"; daily limit 6. Up to 2 adults may be retained of which 1 may be a wild coho. Release Chinook.
- (48) **Naselle River (Pacific/Wahkiakum counties), from Highway 4 Bridge to the upstream entrance of the Naselle Hatchery Attraction Channel:**
- (a) August 16 through October 15: bait or lure must be suspended below a float.
 - (b) Salmon: Open August 16 through September 15, 2017; minimum size 12"; daily limit 6. Up to 2 adults may be retained. Release wild Chinook.
 - (c) Salmon: Open September 16, 2017 until further notice; minimum size 12"; daily limit 6. Up to 4 adults may be retained. Release wild Chinook.
- (49) **North River (Grays Harbor/Pacific counties), from Hwy 105 Bridge to Fall River:** Salmon: Open October 1, 2017 until further notice; minimum size 12"; daily limit 6. Up to 4 adults may be retained. Release wild Chinook.
- (50) **Willapa River (Pacific County), from Hwy 6 Bridge (approximately 2 miles below mouth of Trap Creek) upstream to Fork Creek:**
- (a) Salmon: Open August 16 through September 15, 2017; minimum size 12"; daily limit 6. Up to 2 adults may be retained. Release wild Chinook.
 - (b) Salmon: Open September 16, 2017 until further notice; minimum size 12"; daily limit 6. Up to 4 adults may be retained. Release wild Chinook.
- (51) **Willapa River (Pacific County), from Fork Creek upstream to Hwy 6 Bridge (near the town of Lebam):** Salmon: Open October 1, 2017 until further notice; minimum size 12"; daily limit 6. Up to 4 adults may be retained of which only 2 may be a wild coho. Release wild Chinook.

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.~~