



**RULE-MAKING ORDER
EMERGENCY RULE ONLY**

**CR-103E (December 2017)
(Implements RCW 34.05.350
and 34.05.360)**

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 28, 2018

TIME: 12:33 PM

WSR 18-20-074

Agency: Department of Fish and Wildlife (Order 18-270)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) October 1, 2018

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 salmon fishing rules in Willapa Bay tributaries.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-312-02000G
- 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.

Reasons for this finding: Fall chinook returns to tributaries of Willapa Bay have been significantly lower than preseason predictions. Active broodstocking efforts conducted by hatchery staff and volunteers as well as the naturally occurring recruitment have resulted in the likely attainment of hatchery production goals for Fall chinook in the Willapa and Nemah River systems based on recent assessments. The proportion of females in the broodstock have been higher than anticipated. Returns of Fall chinook needed for hatchery production in the Naselle River system are still short of the production goal. Retention of chinook is prohibited in all fisheries prosecuted in the Willapa Bay watershed as a conservation measure in order to focus harvest opportunity on coho. This emergency rule is necessary to open most Willapa Bay tributaries for recreational coho harvest. There is insufficient time to adopt permanent rules.

**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 on the agency's own initiative:


New 1 Amended ____ Repealed 1

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	____

Date Adopted: September 28, 2018	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

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

Notwithstanding the provisions of WAC 220-312-020, effective October 1, 2018 until further notice the following rules apply. Unless otherwise amended, all permanent rules remain in effect:

- (1) **Bear River (Pacific Co.):** From mouth (Hwy. 101 Bridge) to Lime Quarry Rd: Salmon daily limit is 6, no more than 2 adults may be retained, up to 1 adult may be a wild coho. Release Chinook.
- (2) **Fork Creek (Pacific Co.):** From Forks Creek hatchery rack to 500' upstream to the fishing boundary sign: Salmon daily limit is 6, up to 2 adults may be retained, and no more than 1 adult may be a wild coho. Release Chinook.
- (3) **Naselle River (Pacific Co.):** Closed to Salmon fishing.
- (4) **Nemah River, Middle (Pacific Co.):** From mouth to the DNR bridge on Middle Nemah A-Line Rd.: Salmon daily limit is 6, up to 2 adults may be retained, and no more than 1 adult may be a wild coho. Release Chinook.
- (5) **Nemah River, North (Pacific Co.):**
 - (a) From Hwy. 101 Bridge to the temporary weir (approximately 210' upstream of the Nemah Hatchery Bridge: Salmon daily limit is 6, up to 2 adults may be retained, and no more than 1 adult may be a wild coho. Release Chinook.
 - (b) From Nemah Hatchery barrier dam to N700 Rd. (46°28.58N, 123°48.54W): Salmon daily limit is 6, up to 2 adults may be retained, and no more than 1 adult may be a wild coho. Release Chinook.
- (6) **Nemah River, South (Pacific Co.):** Salmon daily limit is 6, up to 2 adults may be retained, and no more than 1 adult may be a wild coho. Release Chinook.
- (7) **North River (Grays Harbor/Pacific Co.):** from the Hwy. 105 Bridge to Fall River: Salmon daily limit is 6, up to 2 adults may be retained, and no more than 1 adult may be a wild coho. Release Chinook.
- (8) **Smith Creek (Pacific Co.):** from mouth to Hwy. 101 Bridge: Salmon daily limit is 6, up to 2 adults may be retained, and no more than 1 adult may be a wild coho. Release Chinook.
- (8) **Willapa River (Pacific Co.):** From mouth to Hwy. 6 Bridge (near town of Lebam): Salmon daily limit is 6, up to 2 adults may be retained, and no more than 1 adult may be a wild coho. Release Chinook.
- (9) **Willapa River, South Fork (Pacific Co.):**

(a) From mouth to 400' downstream of falls/fish ladder in Sec. 6 T13N R8W: Salmon daily limit is 6, up to 2 adults may be retained, and no more than 1 adult may be a wild coho. Release Chinook.

(b) From falls/fish ladder in Sec. 6 T13 R8W to Pehl Rd. Bridge: Salmon daily limit is 6, up to 2 adults may be retained, and no more than 1 adult may be a wild coho. Release Chinook.

REPEALER

The following section of the Washington Administrative Code is repealed effective October 1, 2018:

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

