



# 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: October 15, 2018

TIME: 4:27 PM

WSR 18-21-094

**Agency:** Department of Fish and Wildlife (Order 18-293)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) October 16, 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 fishing rules for the Naselle River.

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

New:  
 Repealed: 220-312-02000H  
 Amended: 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. 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 and chum. In-season estimates for coho stock abundance are consistent with pre-season expectation and chum encounters are tracking near pre-season expectations. This emergency rule is necessary to open Naselle River for recreational coho and chum 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 | ____ |

|                                       |                                                                                                         |
|---------------------------------------|---------------------------------------------------------------------------------------------------------|
| <b>Date Adopted:</b> October 15, 2018 | <b>Signature:</b><br> |
| <b>Name:</b> Kelly Susewind           |                                                                                                         |
| <b>Title:</b> Director                |                                                                                                         |

## NEW SECTION

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

Notwithstanding the provisions of WAC 220-312-020, effective October 16, 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.):**

(a) From the Hwy. 101 Bridge to 300' below the upstream entrance of the Naselle Hatchery Attraction Channel: 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 the upstream entrance of the Naselle Hatchery Attraction Channel to 400' downstream of the falls in Sec. 6 T10N 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.

(c) From the falls in Sec. 6 T10N R8W to the Crown Mainline (Salme) 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.

(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 16, 2018:

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

