



# 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: November 07, 2018

TIME: 2:20 PM

WSR 18-23-001

**Agency:** Department of Fish and Wildlife (Order 18-317)

**Effective date of rule:**

**Emergency Rules**

- 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 White Salmon, Wind, and Lewis Rivers.

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

New:  
Repealed: WAC 220-312-03000H  
Amended: WAC 220-312-030  
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:** This rule is needed to return the Wind and White Salmon Rivers to permanent rule. Steelhead retention and night fishing were closed in August 2018 to limit steelhead impacts after the estimated A-index run-size was significantly reduced from pre-season forecast. Passage of upriver summer steelhead at Bonneville Dam tends to be nearly complete by November 1, therefore the emergency closures are no longer necessary.

This rule is also needed to close salmon retention on the Lewis River from the mouth to Johnson Creek, as well as to close all fishing from Johnson Creek to Colvin Creek and in Cedar Creek from the mouth to Grist Mill Bridge. The Lewis River wild fall chinook salmon run is tracking below the pre-season forecast and is currently projected not to meet the escapement goal for this population. The hatchery coho return is also tracking well below forecast and the hatchery broodstock goals. Closing the lower Lewis River and Cedar Creek to salmon retention will increase the number of wild chinook spawning, the number coho returning to the Lewis River Hatchery, and help ensure fishing opportunities in future years. 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	___
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**The number of sections adopted on the agency's own initiative:**

New	<u>1</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:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

<b>Date Adopted:</b> November 7, 2018
<b>Name:</b> James Scott for Kelly Susewind
<b>Title:</b> Director

**Signature:**



## NEW SECTION

### **WAC 220-312-03000I Freshwater exceptions to statewide rules—Southwest.**

Notwithstanding the provisions of WAC 220-312-030, effective immediately until further notice:

(1) **Cedar Creek (Clark Co.):** From the mouth to Grist Mill Bridge, effective November 13, 2018 until further notice, all species: Closed waters.

(2) **Drano Lake (Skamania Co.):** In the waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of the Highway 14 Bridge: Closed waters.

(3) **Lewis River (Clark/Cowlitz Co.):**

(a) From the mouth to Johnson Creek, effective November 13, 2018 until further notice, salmon: Release all Chinook and coho.

(b) From Johnson Creek to Colvin Creek, effective November 13 until further notice, all species: Closed waters.

## REPEALER

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 220-312-03000H Freshwater exceptions to statewide rules—Southwest. (18-292)