



# 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: February 21, 2019

TIME: 8:20 AM

WSR 19-06-004

**Agency:** Department of Fish and Wildlife (Order 19-32)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) March 1, 2019

**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 for the Cispus River, Cowlitz Falls Reservoir (Lake Scanewa), Cowlitz River, Kalama River, and Lewis River.

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

- New:
- Repealed:
- 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 close salmon fishing for the Cowlitz River, Cispus River and Lake Scanewa, reduce the daily adult salmon limit for the Kalama River.

The 2019 Cowlitz River spring Chinook run forecast is 1,300 fish. Based on this forecast, the Cowlitz Salmon Hatchery is not expected to meet its broodstock goals. Closing the salmon fishing season in the lower Cowlitz River will increase the number of hatchery fish available for broodstock and help ensure future hatchery returns. Based on the forecast, we do not expect to have hatchery Chinook to transport above Cowlitz Falls Dam to support a salmon fishery.

An estimated 1,400 adult spring Chinook are forecast to return to the Kalama River in 2019. Managers need to reduce the adult salmon daily limit to ensure hatchery broodstock goals are achieved. Reducing the adult salmon daily limit will provide continued opportunity for anglers to harvest spring Chinook and help ensure future hatchery returns.

The 2019 Lewis River spring Chinook run forecast is 1,500 fish. Based on this forecast, there is not expected to be enough fish above the hatchery broodstock need to support a fishery. Closing the salmon fishing season in the Lewis River will increase the number of hatchery fish available for broodstock and help ensure future hatchery returns.

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	___
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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> February 20, 2019	<b>Signature:</b> 
<b>Name:</b> Nate Pamplin for Kelly Susewind	
<b>Title:</b> Director	

NEW SECTION

**WAC 220-312-03000K Southwest – Freshwater exceptions to statewide rules.**

Notwithstanding the provisions of WAC 220-312-030, effective March 1, 2019 until further notice:

- 1) **Cispus River (Lewis Co.):** Salmon: closed.
- 2) **Cowlitz Falls Reservoir (Lake Scanewa) (Lewis Co.):** Salmon: closed.
- 3) **Cowlitz River (Cowlitz Co.):** Salmon: closed.
- 4) **Kalama River (Cowlitz Co.):** From the mouth upstream to 1000 feet below the fishway at the upper salmon hatchery: Salmon: Daily limit 6; up to 1 may be an adult. Release all salmon other than hatchery Chinook and hatchery coho.
- 5) **Lewis River (Clark/Cowlitz Co.):** Salmon: closed.