



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: March 29, 2019

TIME: 10:45 AM

WSR 19-08-050

Agency: Department of Fish and Wildlife (Order 19-55)

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 the Kalama River.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-312-03000L
 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 steelhead retention in the lower Kalama River. To date, the number of hatchery-origin winter steelhead that have returned to Kalama River hatchery facilities is much lower than needed to meet hatchery egg collection goals. Closing steelhead retention will increase the number of hatchery fish available for broodstock and help improve hatchery returns in future years. The action to allow use of barbed hooks is consistent with the implementation of the Washington Fish and Wildlife Commission's March 2nd ruling in Spokane; to make the use of barbless hooks for salmon and steelhead within the Columbia Basin voluntary. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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: March 28, 2019
Name: Kelly Susewind
Title: Director

Signature:



NEW SECTION

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

Notwithstanding the provisions of WAC 220-312-030, effective immediately 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.):**
 - (a) From the mouth upstream to 1000 feet below the fishway at the upper salmon hatchery:
 - (i) Salmon and steelhead: The use of barbed hooks is permissible.
 - (ii) Salmon; effective immediately: Daily limit 6; no more than 1 adult may be retained. Release all salmon other than hatchery Chinook and hatchery coho.
 - (iii) Steelhead; effective April 1, 2019 until further notice: Release all steelhead.
 - (b) From 1000 feet above fishway at upper salmon hatchery to Summers Creek: Selective Gear Rules, except the use of barbed hooks is permissible.
 - (c) From Summers Creek to the intersection 6000 and 6420 Roads: fly fishing only, except the use of barbed hooks is permissible.
 - (d) From the intersection 6000 and 6420 Roads to 6600 Road Bridge immediately downstream of Jacks Creek: Selective Gear Rules, except the use of barbed hooks is permissible.
- 5) **Klickitat River (Klickitat Co.):**
 - (a) From the mouth (Burlington Northern Railroad bridge) to Fisher Hill Bridge, effective:
 - (i) Salmon and steelhead; effective April 1 through May 24, 2019:
 - (A) Open Mondays, Wednesdays, and Saturdays only.
 - (B) Daily limit 2; no more than 1 may be an adult salmon: Release wild Chinook and wild steelhead.
 - (ii) Salmon; effective May 25, 2019 until further notice: Daily limit 6; no more than 1 adult may be retained: Release wild Chinook.
 - (b) From 400 feet upstream of #5 fishway to boundary markers below Klickitat Salmon Hatchery, effective May 25, 2019 until further notice: Salmon: Daily limit 6; no more than 1 adult may be retained: Release wild Chinook.
- 6) **Lewis River (Clark/Cowlitz Co.):** Salmon: closed.
- 7) **Wind River (Skamania Co.):**
 - (a) From the mouth to 400 feet downstream of Shipherd Falls fish ladder, effective April 1, 2019 until further notice: Salmon and steelhead: Daily limit 6; no more than 2 hatchery steelhead, or 1 hatchery steelhead and 1 adult salmon may be retained: Release wild Chinook, wild coho, and wild steelhead.
 - (b) From 100 feet upstream of Shipherd Falls to 800 yards downstream of Carson National Fish Hatchery, effective May 1, 2019 until further notice: Daily limit 6;

no more than 2 hatchery steelhead, or 1 hatchery steelhead and 1 adult salmon may be retained.

REPEALER

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

WAC 220-312-03000L Southwest – Freshwater exceptions to statewide rules. (19-46)